

TO: Carol Mici, Acting Superintendent

FR: Derek M. Cryer / C-2 - 5-B / W-55424

RE: Denial of Legal Right to Religion

DT: February 23, 2004

Dear Ms. Mici,

05 - 11239 RCI

For the past Three (3)

weeks or so I have been denied access to the locked locker that we keep Our Spiritual Teachings in along with other documents that are only privy to the Council Members, and in being denied such access, all of what little Rights that I do have is being violated by the Eighth and Fourteenth Amendent along with other such Laws.

D-Board Sgt. Robinson and Poladian are the main focus and direct problem that I'm Having. The ONLY thing that I ask of any C.O. when I'm in the programs Building is to simply open the door to the Native American Circle, and the Locker. This can't be done by either of these officers without some sort of blatancy, whether they open the door, or make me wait for 10 minutes to a half hour for the door to be open.

Greg McCann has been informed of this problem through myself and I was told that it would be resolved. This was February 6, 2004 at Happy Hour; Nothing has been done.

In closing, I would like to inform you that this is a simple & short case account of the going-ons here with the ongoing and intentional denial of the opening of the locker and my Religious Right to Freedom, and you will receive a Supplemental Affidavit

EXHIBIT

B

1 of 1 pgs

TO: Greg McCann, Director of Treatment  
FR: Derek M. Cryer / C-2 - 5-B / W-55424  
RE: Request Posting For Locker/N.A.S.A.C.  
DT: February 26, 2004

Dear Mr. McCann,

As you know, I have been having serious problems with having access to the Sacred Teachings and other such Documents which are needed to properly Pray, and or to do Council Secretarial Work.

I spoke to you on February 6, 2004 or February 13, 2004 at which time you knew of the situation and asked me to be patient which I have. However while you were away, things became worse.

As far back as the very first day in regards to our records, the Circle has never had a problem with something as simple as unlocking a door and a locked box. For example, Officer Gary Clark who was recently moved to another post would (1) Unlock the Door, (2) Unlock the Box, (3) Come back at Movement time, (4) Lock the Box, & (5) Lock the Door.

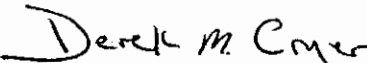
I am requesting that a memo to be placed on the Box stating that We, the Members of N.A.S.A.C. are allowed access in the box on the days and times which have been scheduled for both Spiritual and Pipe Prayers.

All other denominations here at Shirley Medium are not targeted in any way shape of form, especially having their Sacred Teachings Kidnapped or Confined to a Locked Locker, and it's my firm belief that we don't deserve this type of treatment.

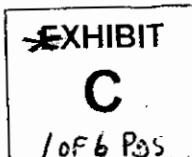
Please remedy this situation with a simple Memo.

CC: N.A.S.A.C.

file/

  
DEREK M. CRYER

(Page 1)



TO: Carol Mici, Acting Superintendent  
FR: Derek M. Cryer / C-2 - 5-B / W-55424  
RE: February 4, 2004 " Supplemental Affidavit "  
DT: March 1, 2004

N.A.S.A.C.  
Files.  
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SUPPLEMENTAL AFFIDAVIT

I Derek M. Cryer willfully makes the statement (s) below to inform proper authorities of the ongoing harrassment endured by me to ensure my Legal Right to Practice my Religion in Balance & in Harmony and Free from Harrassment, and also for Protection from said officers below from setting me up in the way of being lugged to the hole for "saying something that I never said to them" and or from Protection from being lugged to the hole or Higher Security for making a "Threatening Gesture at them" that I never made etc. I do depose and state as follows:

- 1) On or about February 3, 2004, as I do every Morning, Afternoon and Evening, I entered the Programs Building at the General movement.
- 2) I asked the Correctional Officer in charge of the biulding if she would open the door to the Native American Room (Closet). She did. (Her name is Officer Tina Ranno).
- 3) After the movement ended, and after Officer Ranno completed her duties, I went and requested of her that she open the locked locker so that I may have access to the belongings in the locker.
- 4) This was Officer Tina Ranno's first day (I was told) working in the programs building and she wasn't sure whether or not she should open the locker. She looked at the "POSTING" which states the times to pray with the Sacred Pipe.
- 5) On the POsting, there was no time that stated We/I should even be present in the Native American Room (Closet), and she, Officer Ranno did not open the locker (Which is correct in every aspect), but rather decided to, upon a mutual understanding, seek out Greg McCann, the Director of Treatment.
- 6) A few minutes went by when Sargeant May Robinson returned to look into the situation. She looked at the POSTING times and assumed that I wanted to Pray with the Sacred Pipe, which I didn't, and informed me that I was not allowed in the locker because the Posting did not permit me to "Smoke". (Pipe Prayer)
- 7) I told her that my purpose for having access to the locker at this time was not to "Smoke", but to have access to our Legal

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or form, and furthermore showed her proof (Posting dated 2-4-04) that I wasn't lying about my right to have access to the locked locker, and the the Scheduled times allowed. She was satisfied.

15) The following days of the next week I was consistently denied access to the locker by Sgt. Robinson and Sgt. Greg Poladian who are both D-Board Hearing officers, and who I believe instructed all other officers who "Had the building" to deny access to the locker.

16) On or about Friday the 13, 2004, I directly asked Sgt. Robinson to open the locked locker, at which time I was told NO in a very unprofessional manner, which in turn, I left the building at the next movement and informed Greg McCann at Happy Hour of the situation who informed me that "it will be taken care of" and to "just be patient".

17) The weekend past along with the following week of the 16th. I was "Patient" as requested by Greg McCann and incurred the ongoing penalty of not being allowed to properly Pray due to not having access to Particular Items and Documents.

18) On Monday February 23, 2004, my "Patience" intact, and upon entering the programs building, I asked officer Tina Ranno if she would open the locked locker inside of the Native American Room (Closet). She informed me that she believes that the locker is still not to be opened, and I told her that I didn't know why that the officers in question have it out for the Native American Circle. So once again, and upon a mutual agreement, she was suppose to seek out Greg McCann to once and for all settle this issue.

19) She left, and once again I waited in the waiting for her to return. About 15 minutes went by when I observed officer Ranno & Sgt. Robinson headed in my direction. Sgt. Robinson was very upset to the point of her face being flushed completely dark red and proceeded to the Native American Room (Closet) while instructing me to follow her, which I did, leaving a crack in the door for others to intentionanally over hear the conversation just in case I was about to be set up.

20) Off she ran with her mouth; she said "why haven't you got it through your thick head, I told you already that the locker will not be opened as long as I'm on; I told you to take the stuff out of the locker and put it out on the book shelf", I began to explain to her when she rudely cut me off and continued "and another thing, about the discrimination to the Native American group, I dont have a problem with the Native American group or any one in it, I have a problem with you, and you always wanting more than what your allowed". I began to ask her what it was that I ever asked her for that I wasn't allowed, but once again I was rudely cut off as she continued, "so stop trying to get over on Tina and this is the last time that I'm going to tell you, The Locker stays closed, end of conversation"; and she opened the door and stampeded off down the hall toward her office.



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29) that afternoon I went to Happy Hour and hand delivered said letter to the I.P.S. Lt.. You were not there at the time so I went in the chow hall to eat. When I came out I looked over in the direction of Happy Hour and I seen you reading, what I was sure of, and thought to be my letter. That was as 12:55pm.

30) At 1:03pm three(3) Inner Perimeter Security (I.P.S.) Officers called me from the cell into the Case Managers office to question me about the letter. The Lt. of the I.P.S. was present, as was Jerry Kimber, and Mark Salafia. I told them all of what you just read in a nutshell; a phone call was made to the programs building by the I.P.S. Lt.; after the call the I.P.S. Lt. said that the box will be opened only to allow me to retrieve what I needed, and once I got out what I needed the box will be closed again. (This was/is unacceptable because one teaching leads to the next teaching which means that I/We would have to take out everything in the locker, and to continually call in the building officer to open and close the locker numerous times interrupting out Ceremonies). However, this is what the I.P.S. Lt. offered (which I did thank him for and understand his position) until Greg McCann came back from his week off which should have been the following Monday (Today).

31) Because I wouldn't be able to Pray Properly, I had no other choice but to wait until Greg McCann returned to resolve this situation. Today is March 1, 2004, and there is still no resolve.

32) I sent a letter to Greg McCann dated February 26, 2004 requesting to resolve this issue with a simple Memo. (This letter is attached hereto and marked "A").

The recounting of the above statement is True and Accurate to the best of my ability and recollection of the events that occurred, and which is subscribed and sworn under the pains and penalties of perjury this 1st Day of May, in this Year 2004.

  
DEREK M. CRYER

CC: Greg McCann, D.O.T.  
Paul Pouliot, Spiritual Advisor  
Denise Mehigan, Spiritual Advisor  
Deacon Art Rogers, Catholic Chaplain  
Pastor Tom Kurtz, Protestant Chaplain  
N.A.S.A.C., Shirley Medium  
Deborah Coalter, Case Manager-Unit C-2  
6 Part Folder  
file/

(Page 2)

TO: Carol Mici, Acting Superintendent  
FR: Derek M. Cryer / C-2 - 5-B / W-55424  
RE: Ongoing Denial of Access to Locker/  
Harrassment  
DT: March 8, 2004

N.A.S.A.C.  
Files.

Dear Ms. Carol Mici,

There comes a time when enough is enough; the time for the deliberate attack on myself and the Native American Religion's Members here at Shirley Medium is Enough.

As you already know, through correspondence, that the Native American Religion's Members are not being allowed access to the Locked Locker in the Native American Room (Closet) in which we keep all of our Sacred Items, Teachings, and belongings in the form of Secretarial and or Legal Documents. This has been taking place for over a month now even after the proper authorities here at Shirley Medium have been notified; Enough is Enough...

On Sunday, February 7, 2004 I left the Unit to attend a Prayer Ceremony which is held in the Programs Building inside of the Native American Room (Closet). As I made my way through the security fence leading to the Programs Building, one of the Members (Paul Legere) was already headed back to His Unit. I asked Him where He was going, and He informed that the Officer in the building told him that "There will only be Catholic Services today", although the Door to the Native American Room (Closet) was open. Paul was frustrated and continued to walk back (slowly) to his unit. I entered the Programs Building, placed my Programs Card in it's proper place, and went inside the Native American Room (Closet). As I went in, another Member (John Trudeau) was headed up Program's Building ramp to attend and also to perform the Prayer Ceremony. As he briefly went out of sight to enter the building, The door to the Native American Room (Closet) opened up; it was the Officer in charge of the building; Officer Taylor (at this time I do not know of his first name but can and will identify him when and if necessary). He proceeded to tell me that the only services being held on this morning is for the Catholics, and the Catholics alone. I reached for the Posting which states the times we are allowed in the Native American Room (Closet) and stated to him that we are allowed to be here for our Prayer Ceremony. He glanced at the Posting and continued to say that because he was not the regular officer in charge of the building that he had no keys to open the door or the locker. He stated that the door was already open when he arrived, but that he doesn't have the key to open the locker, and that movement has not ended yet, indicating me the option to leave. By this time John Trudeau was up close & next to the room listening to the whole conversation. I told him once again that we are allowed to be here for Ceremony and that I wish to stay for "Services". He then stated that we could stay,

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turned, and went back into the Native American Room (Closet).

In regards to the laws that Govern prison officials, I present to you 103 CMR 471.07 (1) & (1a) INMATE ACCESS TO RELIGIOUS PROGRAMS AND SERVICES which states as follows:

103 CMR 471.07 (1): General. The rights of inmates to pratice their religious beliefs, or to confer with the clergy person of an accredited religious group shall not be ABRIDGED (to shorten while Retaining the Substance), provided that these activities do not threaten the safety, security and orderly running of the institution. Specifically, subject to subsequent provisions of this policy, the following shall apply:

103 CMR 471.07 (1a): No inmate shall be denied the EXERCISE of religious beliefs and the liberty of WORSHIP according to the dictates of their conscience.

In closing, I am requesting that you post a memo stating that the Locker to the Native American Circle be opened and left opened for the duration of times that we are allowed to be there, and or until a member request that it be locked.

I hope that this will be the last time that I have ~~for distract you~~ from what should be the more important things on your agenda. Thank you very much for your time and understanding.

CC: Kathleen  
[REDACTED] Dennehy, Commissioner  
Greg McCann, D.O.T.  
Pastor Tom Kurtz, Protestant Chaplain  
Deacon Arthur Rogers, Catholic Chaplain  
Paul Pouliot, Spiritual Advisor  
Denise Mehigan, Spiritual Advisor  
N.A.S.A.C. Files  
file

*Derek M. Cryer*  
Derek M. Cryer

\*NOTE\*: Below are the First and Last names of the Officers mentioned in this correspondence:

- 1.) Officer William Taylor
- 2.) Sargeant (not Lieutenant) Sandra Walsh
- 3.) Recreational Officer Tom Lavelle

These are the correct names and titles of the Officers mentioned which were given to me through and by other Officers here at Shirley Medium.



TO: Greg McCann, D.O.T.

FR: Derek M. Cryer / C-2 - 5-B / W-55424

RE: Ongoing Denial of Access to Locker/ &  
the beginning of "Retaliation"

DT: March 10, 2004

Dear Mr. McCann,

You told me last night (3-9-04) in the Programs Building that you did speak to Sgt. May Robinson and Sgt. Greg Poladian and squared away the Problem with the Locker in the Native American Room (Closet) which was not being opened. You informed me that it was okay to request the locker to be open, and was confident that there wouldn't be anymore problems. However, last night ended, and today is another day...

This morning, March 10, 2004, I entered the programs building, placed my programs card in it's proper place and waited for Officer Tina Ranno to open the door and the locker. When she was done attending to other prisoners I asked her to open the door to the Native American Room (Closet). She went through the documents that I was holding in my hand, and when she was done she went and opened up the door. I asked her to please open up the locker as well but she refused saying that "without any type of paper saying that the locker is to be opened, she was not going to open the locker. I told her that I spoke to you just last night (3-9-04) and that you spoke to both the Sergeants Robinson and Poladian and told me that I wouldn't have a problem having the locker opened. She told me that she's not going to go by what I said that you told me, and is not going to open the locker until she has spoken directly to you.

I said "Okay" and went to inform Deacon Artie and Pastor Tom.

The letter to Carol Mici dated March 8, 2004 which is carbon copied to you speaks about the denial of access to the locker on Sunday, February 7, 2004 by Officers Tom Lavelle (Recreational officer) and Correctional Officer William Taylor. The next day/ morning Officer William Taylor was a Unit Officer in building C-2 where I reside; my cell was shaken down (coincidentally), rather "Tossed", to the point that my headphones were on the floor, my legal work (trial transcripts) were all out of order and turned about, even to the point that I was called back to the unit to open up my combination lock because the officer who shook down my cell broke the Master Combination Lock Key off in my combination lock key hole. Hence the phrase, the beginning of Retaliation.

I am requesting a Memo to be placed on the Locker in question which states that the Locker shall be open for the duration of the "Times" that we are already allowed to be in the Native American Room (Closet).

CC: Kathleen Dennehy, Acting Commissioner  
Carol Mici, Acting Superintendent  
Paul Pouliot, Spiritual Advisor  
Pastor Tom Kurtz & Deacon Artie Rogers  
N.A.S.A.C. Files

file/

*Derek M. Cryer*  
DEREK M. CRYER



ATTACHMENT "A"

DEPARTMENT OF CORRECTION  
INMATE GRIEVANCE FORM  
FORWARD TO THE INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

## SECTION "A"

NAME: Derek M. Coyer INSTITUTION: Shirley Medium  
 NUMBER: W-55424 HOUSING UNIT: C-2/5-B DATE OF INCIDENT: Beginning on or about the 1st week of February / to present.  
 COMPLAINT: I am: have been denied Access to the locker in the Native American Room (Closet) which is a clear Violation of my Constitutional Rights. Attached are Carbon Copies of my ongoing, (unnecessary Struggle) Complaints to the Proper Authorities (ATTACH ADDITIONAL PAGE IF NECESSARY) which have been blatantly ignored and have not been taken seriously.

## REMEDY

REQUESTED: I am requesting a Memo to be placed on the locker in question which states that the locker shall be opened upon request for the duration of the Times that we are already Allowed to be in the Native American Room (Closet).

INMATE SIGNATURE: Derek M. Coyer DATE: 3-11-04

STAFF RECIPIENT: St. Jph DATE: 3-16-04

DATE RECEIVED: 3-16-04

## SECTION "B"

ASSIGNED GRIEVANCE NUMBER: 3147

DECISION RENDERED: ☒ APPROVED  
☒ DENIED

MAR 17 2004

## SUMMARY OF FINDINGS:

REFERRED TO IPS FOR INVESTIGATION. I suggest that you file a Request through The Religious Services Review Committee.

IGC SIGNATURE: St. Jph DATE: 3-19-04  
 (DENIED GRIEVANCES MAY BE APPEALED TO THE SUPERINTENDENT WITH 10 DAYS OF IGC'S DECISION.)

## SECTION "C"

## INMATE GRIEVANCE RECEIPT

INMATE NAME: DEREK COYER INSTITUTION: SHI-4

NUMBER: W-55424 DATE RECEIVED: 3-16-04

SIGNATURE (IGC): St. Jph TITLE: CPO II

DEPARTMENT OF CORRECTION  
INMATE GRIEVANCE FORM

FORWARD TO THE INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

## SECTION "A"

NAME: Derek M. Cryer INSTITUTION: M.C.I. Shirley MediumNUMBER: W-55424 HOUSING UNIT: C-2/5-B DATE OF INCIDENT: 3-14-04

COMPLAINT: This incident is an on-going situation dating back to the first  
week of February of 2004. On March 14, 2004 at the 1:00pm movement I went  
to the Native American Circle and was denied access to the locked locker  
 (ATTACH ADDITIONAL PAGE IF NECESSARY)

(Continued)

REMEDY  
 REQUESTED: ( See Reverse Side, Page 2, Remedy Requested )

INMATE SIGNATURE: Derek M. Cryer DATE: 3-15-04

STAFF RECIPIENT: \_\_\_\_\_ DATE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

## SECTION "B"

ASSIGNED GRIEVANCE NUMBER: \_\_\_\_\_

DECISION RENDERED: ☐ APPROVED  
☐ DENIED

SUMMARY OF FINDINGS:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

IGC SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 (DENIED GRIEVANCES MAY BE APPEALED TO THE SUPERINTENDENT WITH 10 DAYS OF IGC'S DECISION.)

## SECTION "C"

## INMATE GRIEVANCE RECEIPT

INMATE NAME: \_\_\_\_\_ INSTITUTION: \_\_\_\_\_

NUMBER: \_\_\_\_\_ DATE RECEIVED: \_\_\_\_\_

SIGNATURE (IGC): \_\_\_\_\_ TITLE: \_\_\_\_\_

ATTACHMENT "A"

(Page 1)

DEPARTMENT OF CORRECTION  
INMATE GRIEVANCE FORM

FORWARD TO THE INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

EXHIBIT

\* H  
1 of 6 Pgs

## SECTION "A"

NAME: Derek M. Cryer INSTITUTION: M.C.I. Shirley MediumNUMBER: W-55424 HOUSING UNIT: C-2/5-B DATE OF INCIDENT: 3.16.04COMPLAINT: On Tuesday <sup>March</sup> 16, 2004 at the 9:00am Movement  
I entered the Programs building and placed my card  
in its proper place and entered the native American closet;  
(ATTACH ADDITIONAL PAGE IF NECESSARY)REMEDY  
REQUESTED: (See Page 6)

(Cont. on next page) →

INMATE SIGNATURE: Derek M. Cryer DATE: 3.16.04

STAFF RECIPIENT: \_\_\_\_\_ DATE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

## SECTION "B"

ASSIGNED GRIEVANCE NUMBER: \_\_\_\_\_

DECISION RENDERED: \_\_\_\_\_ APPROVED  
\_\_\_\_\_ DENIEDSUMMARY OF FINDINGS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_IGC SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
(DENIED GRIEVANCES MAY BE APPEALED TO THE SUPERINTENDENT WITH 10 DAYS OF IGC'S DECISION.)

## SECTION "C"

## INMATE GRIEVANCE RECEIPT

INMATE NAME: \_\_\_\_\_ INSTITUTION: \_\_\_\_\_

NUMBER: \_\_\_\_\_ DATE RECEIVED: \_\_\_\_\_

SIGNATURE (IGC): \_\_\_\_\_ TITLE: \_\_\_\_\_



( PAGE 3 )  
EX. H

⑤

grievance that I recently filed, but you were busy with other appointments at that time and told me that you did receive the 3.11.04 grievance and that you would see me for a few minutes after you were done. I thanked you and proceeded to Pastor Tom's Office. After informing Pastor Tom of the events that took place as I did with Deacon Artie, I returned to the Native America Room (Closet) to begin the process of writing down the events that happened thus far. I had my back toward the door. It was now about 10:25 to 10:30 when I heard the door behind me open. I continued to write without turning around to see who it was. When I heard the door close I turned immediately and it was you (Steve Sipka, Inmate Grievance Coordinator). In short, I explained to you the past and present Harassments targeted directly at me by Sgt. May Robinson, Sgt. Greg Poladion and C.O. Tina Ranno who was, at present, causing the problems. I was so mentally abused and emotionally distraught that physically I was trembling uncontrollably, that of what you witnessed with your own two eyes. You left leaving me with hopes that at the very least a Memo will be placed on the locker stating that the locker will be opened during the regular scheduled times. About 3 to 5 minutes later I took some documents from my folder that needed to be stapled and headed to Deacon Artie's Office. As I passed the door to the Muslim Prayer Room I heard guard Tina Ranno call me by my last name. And because of the tone of her voice, which was very hostile, I took two more steps so that I was in the view of Deacon Artie and His Assistants so that He (they) could witness what she was about to do and say to me. When she called my name again I turned without saying a single word and stood stationary in front of Deacon Artie's Office. I returned to the Muslim Prayer Room.

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EX. H

(7)

questions or to follow the path of the Religion. A few more words were exchanged between the two which I cannot recall, but a moment later she left as Charles Jenkins entered the room completely Confused and Curious in a cautious manner as to what just happened. I told Him briefly what's been going for more than a month, and without even sitting down he said that "He isn't trying to get in the middle of what just happened" and respectfully dismissed himself without asking his questions or without any literature which was locked in the locker. I waited a couple of minutes and decided to go tell ~~the~~ Pastor Tom. As I went down the hall and reached Pastor Tom's office, I gave him a copy of my grievance when Tina Ranno comes through the hallway door following me, Harassing me. I waited in the doorway of Pastor Tom until she passed me and immediately went back through the hallway door where as I seen her turn around and come back in my direction. I went back into the Native room and closed the door. When it was time to go I went and waited out in the waiting area with the other prisoners. guard Tina Ranno and guard Sgt. Poladian were standing at the desk staring at me trying to intimidate me. I said nothing got my pass and left. I went to Happy hour and spoke directly to Carol Mice (acting Superintendent) who told me that she already knew that there were problems for me in the morning, and assured me that everything will be taken care of with the "Memo" that I have been requesting. I thanked her and left. I returned to the Native American Room (4054) at the 1:00 pm Movement. there was still no "Memo" for the locker, However I was not bothered or followed throughout the hour and a half until Sgt Poladian once again stared at me as I left at 2:30 pm. And →



*The Commonwealth of Massachusetts*

*Executive Office of Public Safety*

(page 1) *Department of Correction*

**MCI-Shirley**

**P. O. Box 1218**

**Shirley, Massachusetts 01464**

**(978) 425-4341, Fax (978) 514-6601**

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**Kerry Healey**  
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**Edward A. Flynn**  
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**Kathleen M. Dennehy**  
Commissioner  
**James R. Bender**  
Acting Deputy  
Commissioner  
**Carol A. Mici**  
Acting Superintendent

EXHIBIT  
\* 1  
1 of 1 Pgs

TO: Derek Cryer, W-55424

FROM: Steve Lipka, IGO *SL*

DATE: March 19, 2004

RE: Emergency Grievance

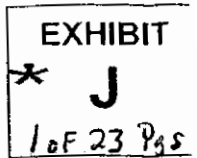
Upon review of your Emergency Grievance dated March 15, 2004, I find that this issue does not meet the criteria for an emergency grievance as defined by 103 CMR 491.06. This issue has already been addressed through grievance #3147 and is currently being investigated by The Director of Treatment and IPS.

Upon review of the second grievance you filed dated March 16, 2004, I find it to be repetitious with grievance #3147 and the Emergency Grievance noted above. 103 CMR 491.17, Inmate Grievance Policy states that the filing of repetitious grievances is considered an abuse of the grievance process. If you continue to file repetitious grievances your privileges may be suspended.



AMERICAN CIVIL LIBERTIES FOUNDATION OF  
MASSACHUSETTS ( ACLUFM )  
99 CHAUNCEY STREET-SUITE 310  
BOSTON, MA. 02110

(10F23)



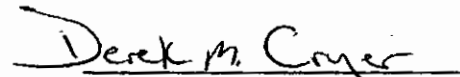
March 19, 2004

Dear Sir / Madam,

I am writing in the hopes that I may obtain Counsel from your organization for the on-going harrassment that I've been enduring which is in direct Violation of my First Amendment Rights and in combination with the Religious Freedom Restoration Act. All Administrative Remedies have been exhausted.

Please find attached hereto three (3) seperate grievances with the proper attachments which is in support of my need for counsel for the main purpose of litigation in the proper court's. These Grievances are dated "March 11, 2004" "March 15, 2004", and March 16, 2004.

Please respond in a swift manner to this request. Thank you very much for your time and consideration.

  
DEREK M. CRYER  
SHIRLEY MEDIUM  
P.O. BOX 1218  
HARVARD ROAD  
SHIRLEY, MA. 01464

CC: Paul Pouliot, Spiritual Advisor

Denise Mehigan, Spiritual Advisor

N.A.S.A.C. Shirley Medium

Native American Spiritual Awareness Council/  
Shirley Medium

file/

TO: Carol Mici, Acting Superintendent

FR: Derek M. Cryer / C-2 - 5-B / W-55424

RE: Denial of Legal Right to Religion

DT: February 23, 2004

EX-J

Dear Ms. Mici,

For the past Three (3)

weeks or so I have been denied access to the locked locker that we keep Our Spiritual Teachings in along with other documents that are only privy to the Council Members, and in being denied such access all of what little Rights that I do have is being violated by the Eighth and Fourteenth Amendment along with other such Laws.

D-Board Sgt. Robinson and Poladian are the main focus and direct problem that I'm Having. The ONLY thing that I ask of any C.O. when I'm in the programs Building is to simply open the door to the Native American Circle, and the Locker. This can't be done by either of these officers without some sort of blatancy, whether they open the door, or make me wait for 10 minutes to a half hour for the door to be open.

Greg McCann has been informed of this problem through myself and I was told that it would be resolved. This was February 6, 2004 at Happy Hour; Nothing has been done.

In closing, I would like to inform you that this is a simple & short case account of the going-ons here with the ongoing and intentional denial of the opening of the locker and my Religious Right to Freedom, and you will receive a Supplemental Affidavit

(5 of 23)

Ex. J

TO: Greg McCann, Director of Treatment  
FR: Derek M. Cryer / C-2 - 5-B / W-55424  
RE: Request Posting For Locker/N.A.S.A.C.  
DT: February 26, 2004

Dear Mr. McCann,

As you know, I have been having serious problems with having access to the Sacred Teachings and other such Documents which are needed to properly Pray, and or to do Council Secretarial Work.

I spoke to you on February 6, 2004 or February 13, 2004 at which time you knew of the situation and asked me to be patient which I have. However while you were away, things became worse.

As far back as the very first day in regards to our records, the Circle has never had a problem with something as simple as unlocking a door and a locked box. For example, Officer Gary Clark who was recently moved to another post would (1) Unlock the Door, (2) Unlock the Box, (3) Come back at Movement time, (4) Lock the Box, & (5) Lock the Door.

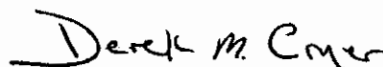
I am requesting that a memo to be placed on the Box stating that We, the Members of N.A.S.A.C. are allowed access in the box on the days and times which have been scheduled for both Spiritual and Pipe Prayers.

All other denominations here at Shirley Medium are not targeted in any way shape of form, especially having their Sacred Teachings Kidnapped or Confined to a Locked Locker, and it's my firm belief that we don't deserve this type of treatment.

Please remedy this situation with a simple Memo.

CC: N.A.S.A.C.

file/

  
DEREK M. CRYER



paper work, and our Sacred Teachings documents along with our Secretarial documents.

8) Furthermore I informed Sgt. Robinson that a week prior to this particular day (2-3-04) we, the Native American Spiritual Awareness Council have submitted a proposal to Greg McCann to revise the current posting times which was an addition that would allow Us Spiritual Prayer times throughout the afternoon from Sunday to Friday. (These dates were not posted at that time).

9) So as she should have done, and did do, she went back to Greg McCann to see if what I told her about the revised proposal was accurate or not. So again I waited. (That day I was informed by one of the Native Brothers in the Circle that the Chief, at that time, already met with Greg McCann and that Mr. McCann approved Our proposal for the revision, which is why I was there in the first place. This was relayed to Sgt. Robinson.

10) Upon returning twenty (20) to twenty-five (25) minutes later while I stood waiting out in the waiting area, Sgt. Robinson's face was red as she approached me. I asked her if she spoke to Greg McCann, but instead of verbally responding to my question, she simply shot me a look and headed into the Native American Room (Closet) and gestured for me to follow. I did so.

11) Upon entering the room (Closet) she began to tell me in a frustrated manner that she is going to open the locked locker this one time, and that in the future, as long as she's in the building, the locker will remain locked; then suggested that I remove all of the Sacred documents out from the locker (Which is absurd, and which I did not) and place them on our book shelf.

12) I informed her that all of the belongings in the locker are Sacred Items and are not to be exposed in such a manner. Furthermore, as she turned to leave I asked her "was this DECISION to take all the Sacred documents out of the locker to be placed on the book shelf made by Greg McCann?". She responded in a more frustrated manner and said once again to "Take the stuff out of the locker and put it on the book shelf or don't plan on having access to the stuff because the locker will not be opened any longer". She stormed out of the Room (Closet).

13) That night at the 7:00pm movement I entered the programs building to attend the Native American Circle. Sgt. Robinson was the officer at the desk. She called me over and proceeded to say "She didn't appreciate how I tried to get over on officer Tina by trying to get her to open the locker at an unscheduled time". I explained to her once again as I did in "Paragraph 8", and also explained to her the exact information which is in Parenthesis in "Paragraph 9". She insisted that I was wrong, so in seeing where the conversation was headed, I respectfully dismissed myself to attend our Ceremony.

14) In the days to follow, I made it a point to speak to officer Tina Ranno on three (3) separate occasions to prove to her that I didn't try or even attempt to get over on her in any way shape,

21) Seeing that I was given an opportunity to speak to Sgt. Robinson, I immediately asked officer Tina Ranno if the decision that was just handed down to me by Sgt. Robinson was a direct order from Greg McCann. Before I even finished the question, here she comes again, Sgt. Robinson, in all her fury and said "The conversation's over" and just stared at me. I responded to her by saying that "No one was even talking to you". She took a step forward and repeated herself and said "The conversation's over". I told her all I need to know is if what she just told me was the direct order and decision of Greg McCann or not.

22) That's when officer Tina Ranno interjected by saying "That's enough you guys, just forget about it". I looked at officer Ranno and shrugged my shoulders as if to say "I didn't do anything at all wrong", and after a moment decided to turn and walk back into the Native American Room (Closet).

23) I waited about twenty (20) seconds in the Native American Room (Closet) then immediately decided to inform Deacon Art Rogers and Pastor Tom Kurtz of what just transpired, and also what has taken place for the past few weeks. Both the Deacon and the Pastor informed me that they would speak to Greg McCann to try to resolve the issue. I thanked them individually and left.

24) At the 11:00am movement I went back to the unit, locked in, & began preparing the February 23, 2004 Complaint/Short Case Account which you've received. (NOTE: in that letter, 3rd paragraph, the date I spoke with Greg McCann was either "February 6, 2004" as it already states, OR "February 13, 2004". This is to the best of my knowledge).

25) The next day, February 24, 2004 I returned to the programs building at the 9:00am movement. Sgt. Poladian said that he "had the building". I asked him to open the Native American Room (Closet) so that I can return the Native American VHS tape which was played for the population the day before. As a child does, He huffed, puffed, pouted and sucked his teeth as he walked toward the door to open it.

26) I continued to ask him if the situation on the locker was status quo and he replied "There's no reason that it needs to be opened"; seeing where that conversation was about to go, I said "Thank you", turned around, and left the building.

27) The next day, February 25, 2004 I spoke to Pastor Tom Kurtz to see if he had the opportunity to speak with Greg McCann. He said that he spoke to Greg McCann and that Mr. McCann told him that I was allowed to be in the box, but that He (Mr. McCann) just needs to make this point clear to the building officers of/ to whom it may have concerned. I thanked Pastor Tom and left.

28) The following day, February 26, 2004 I proceeded to deliver and or mail out the February 23, 2004 Complaint/Correspondence to yourself, and all other individuals that I made aware of this situation. (See Carbon Copy (CC) in the February 23, 2004 complaint).

TO: Greg McCann, Director of Treatment  
FR: Derek M. Cryer / C-2 - 5-B / W-55424  
RE: Request Posting For Locker/N.A.S.A.C.  
DT: February 26, 2004

11 Ex. J.  
A

Dear Mr. McCann,

As you know, I have been having serious problems with having access to the Sacred Teachings and other such Documents which are needed to properly Pray, and or to do Council Secretarial Work.

I spoke to you on February 6, 2004 or February 13, 2004 at which time you knew of the situation and asked me to be patient which I have. However while you were away, things became worse.

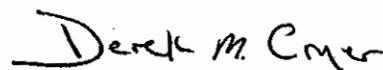
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I am requesting that a memo to be placed on the Box stating that We, the Members of N.A.S.A.C. are allowed access in the box on the days and times which have been scheduled for both Spiritual and Pipe Prayers.

All other denominations here at Shirley Medium are not targeted in any way shape of form, especially having their Sacred Teachings Kidnapped or Confined to a Locked Locker, and it's my firm belief that we don't deserve this type of treatment.

Please remedy this situation with a simple Memo.

CC: N.A.S.A.C.  
file/

  
DEREK M. CRYER



but that the locker would not be opened. Both John and myself decided to stay anyway. The officer left, and a moment later Paul Legere, who had left the building previously, walking slowly back to the unit to see whether or not we stayed or got kicked out, returned to the Programs Building without incident and entered the Native American Room (Closet). The Locker was not opened, and all of us were unable to Pray.

At the 10:00am movement I went to Officer Taylor who was standing at the front door of the programs building holding the door open and asked him for permission to go and speak to the Female Lieutenant to make sure that the keys to open the door and the locker will be made accessible at the 1:00pm movement. My request was denied, and I was told not to worry about this afternoon because the keys to open the door and locker will be here. I went back into the Room (Closet) and waited for the 11:00am movement back to the Unit's.

At the 11:00am movement back to the unit's I went directly to the Lady Lieutenant who's full name I do not know (Lt. Walsh) and I requested that she please make it a point to make sure that the keys to the Native American Room (Closet) and locker be made available to the officer who will be in charge of the building at the 1:00pm movement. Lieutenant Walsh responded in favor of my request.

At the 1:00pm movement I went down to the programs building to make a "Spiritual Prayer"; I also went to finish up on my Secretarial Duties, and Legal obligations regarding the Native American Circle. Recreational Officer "Tom" was in charge of the building. Once again I placed my Programs Card in it's proper place and went into the Native American Room (Closet), placed my documents that I had on the book shelf, and went back out into the waiting area to ask Tom if he would kindly open the locker in the Native American Room (Closet). He asked me if I was Native American and I told him that I am. He asked me what blood-line was I from, but what he meant was what Nation or Tribe was I from; I told him that I was of Blackfoot-Mahican Ancestry on my Mother's side. He stated that he didn't know that Blacks were or could be Indians. I told him that there was a whole lot that he and or people in general didn't know, and continued to ask him if he would please open the locker in the Native American Room (Closet). He asked me if I was the only one that was there. I told him that I thought I would be seeing how movement was coming to end, but continued to say to him that even if I am the only one here, I am here and would kindly like the locker to be opened. He stated that he wasn't going to open the locker because he didn't have a key for it, & just like Officer Taylor, He (Tom) stated that movement is not over and that I can make it back to the block if I wanted to. I told him that I didn't want to go back to the block, and informed that I had this same problem in the morning with the officer that was on (C.O. Taylor) and that I spoke to Lieutenant Walsh (who was standing right outside) who told me that there would be keys to open the Native American Room (Closet) and Locker. I continued to ask him to call Her (Lt. Walsh) over to the building once the movement had ended to ask her about the opening of the both the Door and the Locker. He called Her on the "Radio"; when movement ended I watched as she approached the building to speak to Tom. After about a minute or so Rec. Officer Tom returned to the building; I asked him what she said to him; He told me that She told him to "let you (me) in". But he continued to say that he wasn't going to open the locker. I was surprised that he was directly disobeying a lieutenant & I said to him "Really?"; and he responded "really". I said "okay",



(15 of 23)  
EX. J

TO: Greg McCann, D.O.T.

FR: Derek M. Cryer / C-2 - 5-B / W-55424

RE: Ongoing Denial of Access to Locker/ &  
the beginning of "Retaliation"

DT: March 10, 2004

Dear Mr. McCann,

You told me last night (3-9-04) in the Programs Building that you did speak to Sgt. May Robinson and Sgt. Greg Poladian and squared away the Problem with the Locker in the Native American Room (Closet) which was not being opened. You informed me that it was okay to request the locker to be open, and was confident that there wouldn't be anymore problems. However, last night ended, and today is another day...

This morning, March 10, 2004, I entered the programs building, placed my programs card in it's proper place and waited for Officer Tina Ranno to open the door and the locker. When she was done attending to other prisoners I asked her to open the door to the Native American Room (Closet). She went through the documents that I was holding in my hand, and when she was done she went and opened up the door. I asked her to please open up the locker as well but she refused saying that "without any type of paper saying that the locker is to be opened, she was not going to open the locker. I told her that I spoke to you just last night (3-9-04) and that you spoke to both the Sergeants Robinson and Poladian and told me that I wouldn't have a problem having the locker opened. She told me that she's not going to go by what I said that you told me, and is not going to open the locker until she has spoken directly to you.

I said "Okay" and went to inform Deacon Artie and Pastor Tom.

The letter to Carol Mici dated March 8, 2004 which is carbon copied to you speaks about the denial of access to the locker on Sunday, February 7, 2004 by Officers Tom Lavelle (Recreational officer) and Correctional Officer William Taylor. The next day/ morning Officer William Taylor was a Unit Officer in building C-2 where I reside; my cell was shaken down (coincidentally), rather "Tossed", to the point that my headphones were on the floor, my legal work (trial transcripts) were all out of order and turned about, even to the point that I was called back to the unit to open up my combination lock because the officer who shook down my cell broke the Master Combination Lock Key off in my combination lock key hole. Hence the phrase, the beginning of Retaliation.

I am requesting a Memo to be placed on the Locker in question which states that the Locker shall be open for the duration of the "Times" that we are already allowed to be in the Native American Room (Closet).

CC: Kathleen Dennehy, Acting Commissioner  
Carol Mici, Acting Superintendent  
Paul Pouliot, Spiritual Advisor  
Pastor Tom Kurtz & Deacon Art Rogers  
N.A.S.A.C. Files

*Derek M. Cryer*  
DEREK M. CRYER

file/

(17 of 23)  
EX J

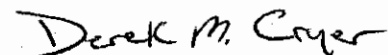
where we keep our Sacred Teachings, our Legal Documentation, along with our Secretarial Documentation and Sacred Items. Once again the denied access was implemented by Officer Tina Ranno who's name is mentioned throughout my complaints. I asked her if she spoke to Greg McCann yet about the approval of the access to the locker, and she said that she has not spoken to Mr. McCann which is a deliberate act in order to continue the on-going harassment which is causing me Physical, Emotional, Mental, and Spiritual distress which has unnecessarily affected/effectuated me negatively in my every day life. On that same morning of Sunday the 14th, the locker was opened for two (2) of our members, John Trudeau & Paul Legere, (both whom have "Fair" skin); but a couple of hours later I request the same privilege only to be denied access to my Right (s) to practice my Religion under and through the First Amendment in combination with the Religious Freedom Restoration Act along with other such Lawful Protections. By and through this correspondence, all of the pro Individuals are notified of this incident ( Carbon Copies (CC:) ).

REMEDY REQUESTED

1). I am requesting that there be a Memo to be placed on the Locker in question that states that the Locker Shall be opened upon request from one of the Members during the Scheduled Times that the Native American Circle is open & for the Locker to be closed upon the request of a Member who has completed His "Ceremony" and is leaving the area.

2). I am also requesting that the Officers mentioned throughout all of my complaints which you have copies of be reprimanded, and at the very least be made to go through a Training Process which will give them a better understanding of the Native American Religion so that they can begin to understand how it is that they are Violating my very LIFE and will in the future have Respect for the Native American Religion even if it's simply out of Common Courtesy.

Subscribed and sworn under the pains and penalties of perjury.

  
Derek M. Cryer

CC: Deacon Art Rogers  
Pastor Tom Kurtz  
Paul Pouliot, Spiritual Advisor  
Denise Mehigan, Spiritual Advisor  
N.A.S.A.C. files  
file/

(PAGE 2)

(19 of 23)

EX. J

As the door was about to close behind me, I heard officer Tina Ranno call out to me by my last name. I placed my documents that I was carrying on the bookshelf and quickly returned back toward the door to see what she wanted. As I opened the door to go see what she wanted, she was already at the door and jerked it towards her and took a step towards me completely violating my personal space; I took a step back. She began to speak in an aggressive manner by saying "that I am no longer allowed to type anymore in this room, and that if I am going to type to do it over in the library from now on". I refused to respond in any manner; I stood there and said nothing as she waited in an unrighteous manner waiting for me to respond so that she had a reason to write up a bague ticket on me that could possibly lead me to the hole (SMU), or even higher security. But still I refused to say a single word. Once she realized that I wasn't going to feed into her foolish ways and negative energies, she turned and left. I reached to close the door that she deliberately left open, closed it, took off my jacket and immediately went to inform Deacon Art Rogers of what just happened. Deacon Artie, upon listening to the end of what just took place stated that "this is getting ridiculous and way out of control". After speaking with him for about 20 to 30 minutes I went back to the Circle only to find one of the members present. His name is John Trudeau who is also on the Council. I immediately informed him of all of what just happened. We both stayed and talked until the 10:00am movement at which time he went back to his block; I stayed to see Pastor Tom Huntz to inform him of this incident and that's when I seen you (Steve Lipka) at the front desk and asked you if I could speak to you about H. 3.11.00



(Page 8)  
Ex. L

## COMMONWEALTH OF MASSACHUSETTS

## DEPARTMENT OF CORRECTION

## INMATE GRIEVANCE FORM

## FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name STIMPSON KENNETH J Grievance# 3378 Institution MCI SHIRLEY (MEDIUM)

Commit No. W37331 Housing E-2 Date Of Incident 20040331 Date Of Grievance 20040401

Complaint Inmate claims that the Recreation Officer assigned to The Programs Building refused to open the Native American Indian Prayer Room.

Remedy Requested To have prayer room open at all times.

Staff Recipient Lipka Steven M CPO II

Staff Involved \_\_\_\_\_

Signature Sta. Lipka

## RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20040406 Decision Date 20040412

Signature Lipka Steven M CPO II

Final Decision DENIED

Decision Referred to IPS for investigation.

Signature Sta. Lipka Date 4-12-04

## INMATE RECEIPT

Name STIMPSON KENNETH J Institution MCI SHIRLEY (MEDIUM)

Commit No. W37331 Date Received 20040406

Signature Lipka Steven M CPO II



## COMMONWEALTH OF MASSACHUSETTS

## DEPARTMENT OF CORRECTION

## INMATE GRIEVANCE FORM

## FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

(Page 6)  
ET. L

Name TRUDEAU JOHN Grievance# 3380 Institution MCI SHIRLEY (MEDIUM)

Commit No. W53591 Housing B-1 Date Of Incident 20040331 Date Of Grievance 20040331

Complaint Inmate claims that he was denied access to practice his religion.

Remedy Requested To place an Officer who knows how to do the job in that position.

Staff Recipient Lipka Steven M CPO II

Staff Involved \_\_\_\_\_

Signature St. Loh

## RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20040406 Decision Date 20040412

Signature Lipka Steven M CPO II

Final Decision DENIED

Decision Referred to IPS for investigation.

Signature St. Loh Date 4-12-04

## INMATE RECEIPT

Name TRUDEAU JOHN Institution MCI SHIRLEY (MEDIUM)

Commit No. W53591 Date Received 20040406

Signature Lipka Steven M CPO II

(Page 4)

Ex. L

1-A

BECAUSE IT DENIES MY PRAY FOR  
THE FULL DAY. SEEING HOW I CAN  
NOT PRAY IN MY CELL LIKE OTHER RELIGIONS  
CAN, BECAUSE OF THE NEED FOR A  
SACRED PIPE AND SACRED MIXTURE AND  
LIGHTER, ECT. HAVING ACCESS TO THE  
N.A.S.A.C. ROOM DENIED, DENIES ME FROM  
FULFILLING MY RELIGIOUS DUTY TO PRAY.  
THE INSTITUTION RULES ALLOW FOR THE  
N.A.S.A.C. ROOM TO BE OPEN SEVEN NIGHTS  
A WEEK, WEEKEND MORNINGS AND AFTERNOONS.  
I AM REQUESTING THAT THIS POSTED SCHEDULE  
BE FOLLOWED.

(Page 2)  
Ex. L

## COMMONWEALTH OF MASSACHUSETTS

## DEPARTMENT OF CORRECTION

## INMATE GRIEVANCE FORM

## FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name BOST JAMES Grievance# 3376 Institution MCI SHIRLEY (MEDIUM)

Commit No. W62950 Housing B-1 Date Of Incident 20040331 Date Of Grievance 20040402

Complaint Inmate claims that on 3/31/04, a Recreation Officer refused to open the NASAC Room.

Remedy Requested To have the door open upon request.

Staff Recipient Lipka Steven M CPO II

Staff Involved \_\_\_\_\_

Signature St. Loh

## RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20040406 Decision Date 20040412

Signature Lipka Steven M CPO II

Final Decision DENIED

Decision Referred to IPS for investigation.

Signature St. Loh Date 4-12-04

## INMATE RECEIPT

Name BOST JAMES Institution MCI SHIRLEY (MEDIUM)

Commit No. W62950 Date Received 20040406

Signature. Lipka Steven M CPO II

(PAGE 6)

⑩  
EX. K

\* for these ongoing reasons stated above my "Remedy Requested" should be granted.

\* Remedy Requested \*

- 1.) A Memo to be placed on the locker in question (especially for the weekends) stating that the locker shall be opened upon request from one of the members during the scheduled times that the Native Circle is open, and for it to be closed upon request of a member who is leaving the area.
- 2.) I am requesting that May Robinson, Greg Poladian, and Tina Ranno be removed from the Program Building Permanently, and also have said Guards Posted elsewhere other than any block where I reside.

Thank you Very Much.

CC: Deacon Art Rogers  
 Pastor Tom Kurtz  
 Paul Pauliot, Spiritual Advisor  
 Denise Mehigan, Spiritual Advisor  
 N.A.S.A.C. Files  
 Family  
 File /

Derek M. Croyer



\* her by eye contact. She started walking toward me and then suddenly stopped in front of the Imam's office window. (He was not present). She then called me, loud enough for Deacon Artie to hear, to come away from the office and down the hall toward her. I complied. She began to tell me "not to have ask Deacon Artie to make copies of the documents that I was holding, because there ain't going to no copies made for me". I just looked at her without saying a word and she must have thought that I was stuck on stupid (because I didn't feed into her foolishness), and so she repeated in a lower hostile, threatening voice "don't you dare ask Him (Deacon Artie) to make you copies". I looked at her, and without saying a single word to her, I quickly turned and told Deacon Artie loud enough for her to hear what she just told me. I asked him to do something about it, but he couldn't do any more than he already done which was to speak to Greg McCarron to resolve the issue, and was told by Greg McCarron that it would be resolved. I asked him to borrow his stapler in his presence, and stapled my paper-work and went back to the Native American Room (closet). After a few minutes went by, the door to the Circles' Room (closet) opened up. A prisoner, Charles Jenkins wanted to come in to ask some questions and get material about the Native Culture. Before he could even greet me in "Peace" or with a "hello", guard Tina Romo was speaking loudly to him telling him that he's not allowed in the room. I immediately interjected by saying that "He's a guest". She continued to stop his progress from entering the room (closet) by saying/implying that he's not allowed in the room - because he's not Native American. As he was telling her, I also added that you don't have to be Native American to ask →

\* As the door was about to close behind me, I heard officer Tina Ranno call out to me by my last name. I placed my documents that I was carrying on the bookshelf and quickly returned back toward the door to see what she wanted. As I opened the door to go see what she wanted, she was already at the door and jerked it towards her and took a step towards me completely violating my personal space; I took a step back. She began to speak in an aggressive manner by saying "that I am no longer allowed to type anymore in this room, and that if I am going to type to do it over in the library from now on". I refused to respond in any manner; I stood there and said nothing as she waited in an unrighteous manner waiting for me to respond so that she had a reason to write up a bague ticket on me that could possibly lead me to the hole (SMU), or even higher security. But still I refused to say a single word. Once she realized that I wasn't going to feed into her foolish ways and negative energies, she turned and left. I reached to close the door that she deliberately left open, closed it, took off my jacket and immediately went to inform Deacon Art Rogers of what just happened. Deacon Artie, upon listening to the end of what just took place stated that "this is getting ridiculous and way out of control". After speaking with him for about 20 to 30 minutes I went back to the Circle only to find one of the members present. His name is John Trudeau who is also on the Council. I immediately informed him of all of what just happened. We both stayed and talked until the 10:00am movement at which time he went back to his block; I stayed to see Pastor Tom Huntz to inform him of this incident and that's when I seen you (Steve Lipka) at the front desk and asked you if I could speak to you about the 3.11.04.

→

(4) Ex. K

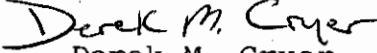
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REMEDY                  REQUESTED

1). I am requesting that there be a Memo to be placed on the Locker in question that states that the Locker Shall be opened upon request from one of the Members during the Scheduled Times that the Native American Circle is open & for the Locker to be closed upon the request of a Member who has completed His "Ceremony" and is leaving the area.

2). I am also requesting that the Officers mentioned throughout all of my complaints which you have copies of be reprimanded, and at the very least be made to go through a Training Process which will give them a better understanding of the Native American Religion so that they can begin to understand how it is that they are Violating my very LIFE and will in the future have Respect for the Native American Religion even if it's simply out of Common Courtesy.

Subscribed and sworn under the pains and penalties of perjury.

  
Derek M. Cryer

CC: Deacon Art Rogers  
Pastor Tom Kurtz  
Paul Pouliot, Spiritual Advisor  
Denise Mehigan, Spiritual Advisor  
N.A.S.A.C. files  
file/





**Mitt Romney**  
Governor  
**Kerry Healey**  
Lieutenant Governor  
**Edward A. Flynn**  
Secretary

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety*  
*Department of Correction*  
**MCI-Shirley**

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2  
Ex. K

**Kathleen M. Dennehy**  
Commissioner  
**James R. Bender**  
Acting Deputy  
Commissioner  
**Carol A. Mici**  
Acting Superintendent

TO: Derek Cryer, W-55424

FROM: Steve Lipka, IGO *SL*

DATE: March 19, 2004

RE: Emergency Grievance

Upon review of your Emergency Grievance dated March 15, 2004, I find that this issue does not meet the criteria for an emergency grievance as defined by 103 CMR 491.06. This issue has already been addressed through grievance #3147 and is currently being investigated by The Director of Treatment and IPS.

Upon review of the second grievance you filed dated March 16, 2004, I find it to be repetitious with grievance #3147 and the Emergency Grievance noted above. 103 CMR 491.17, Inmate Grievance Policy states that the filing of repetitious grievances is considered an abuse of the grievance process. If you continue to file repetitious grievances your privileges may be suspended.





( PAGE 5 )

( 22 OF 23 )

EX. J

questions or to follow the path of the Religion. A few more words were exchanged between the two which I cannot recall, but a moment later she left as Charles Jenkins entered the room completely Confused and Curious in a Cautious manner as to what just happened. I told Him briefly what's been going for more than a month, and without even sitting down he said that "He isn't trying to get in the middle of what just happened" and respectfully dismissed himself without asking His questions or without any literature which was locked in the locker. I waited a Couple of minutes and decided to go tell ~~the~~ Pastor Tom. As I went down the hall and reached Pastor Tom's office, I gave him a copy of my grievance when Tina Ranno comes through the hallway door following me, Harassing me. I waited in the doorway of Pastor Tom until she passed me and immediately went back through the hallway door where as I seen her turn around and come back in my direction. I went back into the Native room and closed the door. When it was time to go I went and waited out in the waiting area with the other prisoners. guard Tina Ranno and guard Sgt. Poladian were standing at the desk staring at me trying to intimidate me. I said nothing got my pass and left. I went to Happy hour and spoke directly to Carol Mici (acting Superintendent) who told me that she already knew that there were problems for me in the morning, and assured me that everything will be taken care of with the "Memo" that I have been requesting. I thanked her and left. I returned to the Native American Room (Jocet) at the 1:00 pm Movement. there was still no "Memo" for the locker, However I was not bothered or followed throughout the hour and a half until Day Poladian once again stared at me as I left at 2:30 am. And →

## COMMONWEALTH OF MASSACHUSETTS

## DEPARTMENT OF CORRECTION

## INMATE GRIEVANCE FORM

## FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

**Name** CRYER DEREK **Grievance#** 3147 **Institution** MCI SHIRLEY (MEDIUM)

**Commit No.** W55424 **Housing** C-2 **Date Of Incident** 20040201 **Date Of Grievance** 20040311

**Complaint** Inmate claims that he is being denied access to the locker in the Native American Room which is a violation of his Constitutional Rights.

**Remedy Requested** Requests a memo be written stating that the locker be opened upon request.

**Staff Recipient** Lipka Steven M CPO II

**Staff Involved**

**Signature** *St. Jol*

## RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

**Date Received** 20040316 **Decision Date** 20040319

**Signature** Lipka Steven M CPO II

**Final Decision** DENIED

**Decision** Referred to IPS for investigation. I suggest that you file a request through the Religious Services Review Committee.

**Signature** *St. Jol* **Date** 3-19-04

## INMATE RECEIPT

**Name** CRYER DEREK **Institution** MCI SHIRLEY (MEDIUM)

**Commit No.** W55424 **Date Received** 20040316

**Signature.** Lipka Steven M CPO II





(20)

Ex. M

American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional rites.

Sec. 2. The President shall direct the various Federal departments, agencies, and other instrumentalities responsible for administering relevant laws to evaluate their policies and procedures in consultation with native traditional religious leaders in order to determine appropriate changes necessary to protect and preserve Native American religious cultural rights and practices. Twelve months after approval of this resolution, the President shall report back to the Congress the results of his evaluation, including any changes which were made in administrative policies and procedures, and any recommendations he may have for legislative action.

(18)

Ex. M

**Dimensions:** The dimensions of the Sweat Lodge will depend on the average number of people expected to use it. An ordinary Sweat Lodge will be approximately 7-12 feet in diameter and 4-5 feet high.

**Rocks:** Lava rocks are preferred. Sandstone is generally not very serviceable as these have a tendency to crack and create hazardous sparks. The number of rocks is determined by their size and density and the size of the lodge being heated, as well as the length of time they are expected to retain heat (i.e., the length of the round or door).

**Wood:** Wood that is clean (nails removed and safe for burning) will be on hand prior to the beginning of each ceremony. Chemically treated wood is hazardous. Adequate amounts of wood will be needed to heat the rocks, but inmates are encouraged to exercise reasonable judgement and respect for the wood, as they determine the time and amount of wood necessary to heat the rocks. Smaller rocks can be heated faster, thus preserving wood.

Approximately 26 to 40 willow branches, twelve to fourteen feet in length, or other saplings are needed to construct the Sweat Lodge.

**Tools & Ceremonial Items:** A shovel, rake, dipper, bucket, water, and canvas will be needed, as well as sage, sweet grass, Sacred Pipe, tobacco, cedar, forked sticks for altar, and such other Indian 'medicine' items as described in other sections of this booklet. These items should be stored in a locked secure area when not in use. Some items may require shadow board accountability, depending on the mission of the institution and the tool classification.

16

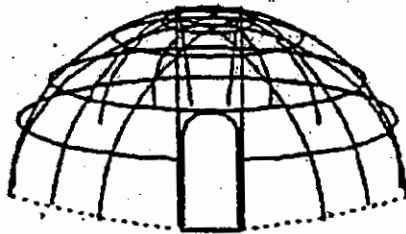
Ex. M

ATTACHMENT 1 - SWEAT LODGE

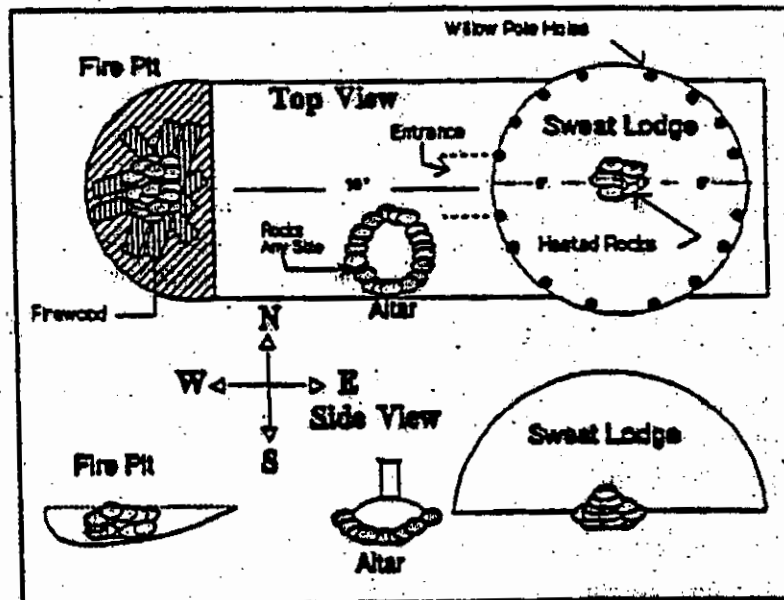
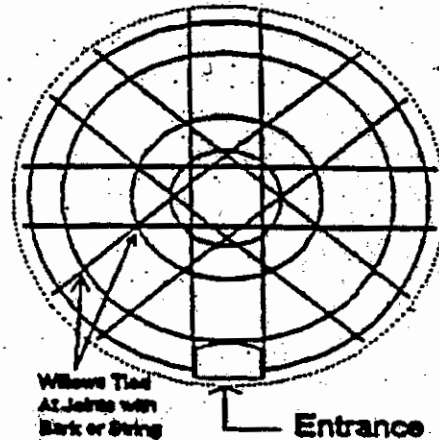
This schematic provides suggested dimensions for the sweat lodge, altar and fire pit. This is sacred space for the Native American spiritual tradition in the Outside Worship Area.

Sweat Lodge

Front View



Sweat Lodge  
Top View



(14)

Ex. M

Wall, Steve, and Harve Arden, **Wisdom-Keeper: Meetings with Native American Spiritual Leaders**, Beyond Words Publishing, 1990.

### C. RESOURCES/SUPPLIES

Canyon Records  
4143 North 16<sup>th</sup> Street  
Phoenix, AZ 85016  
(602) 266-4823

Crazy Crow  
P.O. Box 847 D-10  
Pottsboro, TX 75076  
(800) 786-6210  
[www.crazycrow.com](http://www.crazycrow.com)

Noc Bay Trading Post  
P.O. Box 295  
Escanaba, MI 49829  
(800) 652-7192  
[www.nocbay.com](http://www.nocbay.com)

North Star Trading Post  
P.O. Box 10089  
Spokane, WA 99209  
(509) 327-1038

Parson's Trading Post  
370 Wisconsin Dells Parkway  
Wisconsin Dells, WI 53065

Shenandoah Film Productions  
5386 G Street  
Arcata, CA 95521  
(707) 822-1030

- Source for Native American videos dealing with a variety of subjects, such as storytelling, recovery and individual Native leaders. The video, The Medicine Wheel, used in Advanced Chaplaincy training is produced by this company.

Sioux Trading Post  
502 West Blvd  
Rapid City, SD 57701  
(605) 348-4822

The following web sites have extensive lists of Native American Trading Posts:

[www.Indiantraders.com](http://www.Indiantraders.com)  
[www.Whisperingwind.com](http://www.Whisperingwind.com)



⑫  
Ex. M

with the earth and, through it, the Native American sends forth prayers. There is one drum used for healing sweats, and a larger size drum used in ceremonies.

15. Rattles: In healing ceremonies, rattles are shaken to call the spirit of life which takes care of human beings. They are also used during the Sweat Lodge ceremony when the elder invites the Spirits of the four directions to come in and help the participants who are seeking a spiritual and physical cleansing in order to start a new life.

16. Pow-wow (Spiritual Gathering): The Pow-wow is a day of traditional dancing, speaking, and praying in word, song, and music for all that lives. The gathering of inmates (often with guests from the outside, who may be dressed in ceremonial/liturgical garb) symbolizes a renewal of unity in the Spirit. A feast of traditional, familiar foods (such as fry bread, corn pemmican, and buffalo meat) is seen as central to the gathering. The spiritual advisor(s) establish the order of events for the gathering. All elements in the Pow-wow constitute a whole prayer.

"Give-aways," gifts often made by the inmates for the guests, may be authorized. These gifts should be inspected and approved prior to the beginning of the ceremony. Guests are not authorized to bring "give-aways" to the ceremony for distribution. No "give-aways" may come back into the institution.

17. Fasting: Fasting is a special form of prayer that is guided by an elder who provides the necessary ceremonial setting and conditions. Fasting involves total renunciation of food and water for a period of days determined by the one who is fasting. Health conditions must be evaluated by the proper authorities before commencement of the fast. The chaplain should be consulted and continue as an advisor during any extended spiritual fast by an Native American inmate.

18. Sacred Sweat Lodge Ceremony: Equal to the Sacred Pipe as a cornerstone of Native American traditions is the purification ceremony of the Sweat Lodge. Many lodge rituals are for communal prayer purposes and others are for personal healing. To enter the Sweat Lodge is to return to the womb of Mother Earth for purification, strength, guidance, and for physical, mental, emotional and spiritual healing. Rocks, wood, fire, and water are used in the process. The participants also offer their suffering and prayers for one who is sick, one who needs help, and for all of creation. These prayers are spoken, chanted, and sung for the interrelatedness of all life. There are typically four periods of prayer called "rounds" or "doors." Each period ends with a prayer or shout as the door flap is thrown open and the cool breath of the Creator welcomes all into new life.

(10)  
Ex. M

the Sweat Lodge, which we feel is ours even in prison. We also need specific time for a pipe ceremony and other gatherings."

6. Spiritual Leadership: Spiritual leadership in Native American traditions varies from tribe to tribe. Sometimes leadership is elected or inherited, but more often it is the result of a personal calling or vision combined with the exercise of the wisdom and good judgment which produce respect. For the Native American, respect is the true foundation of all genuine leadership, both temporal and spiritual. There is no religious hierarchy whereby one is "ordained" by the group or another individual as an Native American spiritual leader.

Native American religion is very much an individual matter. Each person is directly responsible to the Creator for his/her thoughts. Elders and spiritual leaders guide, teach, counsel, and lead ceremonies, but never dictate belief or doctrine. Spiritual leaders are ordinarily provided for Native American inmates by contracting with the institution or by volunteers.

7. Natural Objects: Natural objects such as stones, shells, feathers, plants, and animal bones, claws, and teeth have major roles in Indian spiritual practice because they are reminders of certain important principles or qualities. These serve as reservoirs of spiritual power. The specific objects chosen by the Native American to express his/her religion will vary according to personal tradition or vision.

Native Americans prohibit women from handling the pipe, or nearing the Sweat Lodge and other sacred object during menstruation, because they believe that her menstruation-related energy overpowers the power of the sacred object. Should these prohibitions be violated, a separate ceremony must be held to restore the power of the objects. Female staff should make every effort to respect this belief, and absent themselves from these areas during these times, unless security of the institution requires otherwise. Security, however, should not be compromised in sacred areas due to absence of male staff.

Traditionally, many Native Americans carry, wear, and maintain the medicine bag. The medicine bag may contain such natural objects as stones, animal parts, herbs, or seeds and kernels of maize, corn or other vegetables. Native Americans believe that each natural object possesses a spirit. As part of one's medicine bag, the spirits of these objects become part of the wearer. The medicine bag becomes the wearer's invocation to the Creator to continually be with and watch over him/her. It represents an extremely personal relationship between the Creator and the wearer, and care should be taken that the Indian's spiritual significance of the medicine bag not be violated.

Religious Beliefs and Practices

T5360.01

3/27/2002

Native American, Page 6

(8)

EX. M

~~REDACTED~~  
Sam Windyboy  
P.O. Box 344  
Davidsonville, MD 21035  
(410) 956-4156  
Email: Walkingbear@USA.net

Albert Whitehat  
(605) 856-4463

~~REDACTED~~

⑥  
Ex-M

2. Depending on local tribal traditions, seasonal equinoxes and solstices are observed. These observances are usually accommodated at the next scheduled sacred sweat lodge ceremony.

#### D. RELIGIOUS HOLY DAYS

American Indian Days, September 24-25.

- These holy days were established by the Federal Government. These days are days free from work. Since there are so many different tribes, and each tribe observes holy days which have religious significance for its members, it is difficult to find common ground in establishing religious holy days.

Some tribes, for example, often ask to memorialize the "trail of tears" in late December or the Battle at Little Big Horn, June 25<sup>th</sup>. To encourage specific needs in the institution, it is recommended that opportunities to sweat in mourning may be appropriately accommodated. These days, however, should not be days of work proscription.

Because of the large variety of tribal beliefs represented in the inmate population, it is very difficult to be more specific than this. As requests are made of the chaplains, the institution chaplains are encouraged to contact the Regional Chaplaincy Administrator for further assistance.

#### 2. RELIGIOUS ITEMS

##### A. PERSONAL RELIGIOUS ITEMS

1. Medicine bag (worn around neck);
2. Spiritual bundle containing:
  - Prayer pipe;
  - Feather;
  - Small amounts of sacred herbs (identified locally);
  - Small stones;
  - Sea shell;
3. Beaded necklace;
4. Religious medallion and chain;
5. Ribbon shirts;
6. Headbands; and,
7. Medicine wheel.

##### **Ribbon Shirt and Beaded necklace:**

Ribbon shirts and beaded necklaces may be worn during Pow Wow's only.





U.S. Department of Justice  
Federal Bureau of Prisons

④  
Ex. m

# Technical Reference

OPI: CPD  
NUMBER: T5360.01  
DATE: 3/27/2002  
SUBJECT: Practical Guidelines  
for Administration of  
Inmate Religious  
Beliefs and Practices

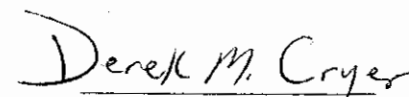
# Inmate Religious Beliefs and Practices

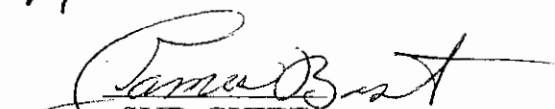
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E.M.

## NATIVE AMERICAN SPIRITUAL AWARENESS COUNCIL

  
 CHIEF

KENNETH STIMPSON


  
 SECRETARY  
 DEREK M. CRYER

  
 SUB-CHIEF  
 JAMES BOST

April 2, 2004

Dear Carol Mici,

We are writing to you to thank you for your latest intervention regarding the Issues dealing with the Locker in the Native Room (Closet) being opened and for the Harrassment which had stopped for about a week. However, there are problems beginning to arise yet once again, and we are yet again going through the proper chain of command to resolve said problem.

In the meantime, we are requesting that you intervene once again to clear up a foreseen problem; that problem is as follows:

At this time, during the day shift, we are allowed access to the locker but only in a restricted manner.as follows; After speaking to female Correctional officer McCray (Lisa) who said that she was told to "open the locker, get out what was needed, and lock it back up", Derek Cryer had an opportunity to speak with Greg McCann who came to the Circle to drop offa correspondence about an earlier proposal. He, Mr. McCann, Told Derek Cryer that the locker will be opened, and the individual (Member) will be allowed to take out of the locker what He needed, and the locker will be immediately closed thereafter. However, Derek informed Mr. McCann that in our "Teachings", that one lesson or teaching leads to the next (just like the Bible or the Koran), and that everything inside the locker is certainly a teaching. Mr. McCann told Derek that He will have to take everything out of the locker and immediately said thereafter, "well not everything", and that this decision stands. Mr. McCann left. (Derek declined to have the locker opened under these circumstances,for the reasons set forth):

Ms. Mici, lets take the Bible for example; If your reading in the Book of Genesis a certain Scripture, that Scripture might lead you to the Book of Revelation, and upon reading the Book of Revelation, and or rather Scripture within the Book, you might have to go back to the Old

P.O. - BOX 1218 - HARVARD ROAD - SHIRLEY, MA. 01464

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF CORRECTION

## INMATE GRIEVANCE FORM

## FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

(Page 10)  
Ex-L

Name GRIGGS JOHN M Grievance# 3377 Institution MCI SHIRLEY (MEDIUM)

Commit No. W81972 Housing B-2 Date Of Incident 20040331 Date Of Grievance 20040402

Complaint Inmate claims that he asked the Recreation Officer to open the NASAC Room and was denied.

Remedy Requested To have Staff informed of the times inmate are allowed to practice their religion.

Staff Recipient Lipka Steven M CPO II

Staff Involved \_\_\_\_\_

Signature Str Lipka

## RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20040406 Decision Date 20040412

Signature Lipka Steven M CPO II

Final Decision DENIED

Decision Referred to IPS for investigation.

Signature Str Lipka Date 4-17-04

## INMATE RECEIPT

Name GRIGGS JOHN M Institution MCI SHIRLEY (MEDIUM)

Commit No. W81972 Date Received 20040406

Signature. Lipka Steven M CPO II

TO: Carol Mici, Acting Superintendent  
FR: Derek M. Cryer / C-2 - 5-B / W-55424  
RE: Ongoing Denial of Access to Locker/  
Harrassment  
DT: March 8, 2004

(15)  
N.A.S.A. CEX. 0  
FILES.

Dear Ms. Carol Mici,

There comes a time when enough is enough; the time for the deliberate attack on myself and the Native American Religion's Members here at Shirley Medium is Enough.

As you already know, through correspondence, that the Native American Religion's Members are not being allowed access to the Locked Locker in the Native American Room (Closet) in which we keep all of our Sacred Items, Teachings, and belongings in the form of Secretarial and or Legal Documents. This has been taking place for over a month now even after the proper authorities here at Shirley Medium have been notified; Enough is Enough...

On Sunday, February 7, 2004 I left the Unit to attend a Prayer Ceremony which is held in the Programs Building inside of the Native American Room (Closet). As I made my way through the security fence leading to the Programs Building, one of the Members (Paul Legere) was already headed back to His Unit. I asked Him where He was going, and He informed that the Officer in the building told him that "There will only be Catholic Services today", although the Door to the Native American Room (Closet) was open. Paul was frustrated and continued to walk back (slowly) to his unit. I entered the Programs Building, placed my Programs Card in it's proper place, and went inside the Native American Room (Closet). As I went in, another Member (John Trudeau) was headed up Program's Building ramp to attend and also to perform the Prayer Ceremony. As he briefly went out of sight to enter the building, The door to the Native American Room (Closet) opened up; it was the Officer in charge of the building; Officer Taylor (at this time I do not know of his first name but can and will identify him when and if necessary). He proceeded to tell me that the only services being held on this morning is for the Catholics, and the Catholics alone. I reached for the Posting which states the times we are allowed in the Native American Room (Closet) and stated to him that we are allowed to be here for our Prayer Ceremony. He glanced at the Posting and continued to say that because he was not the regular officer in charge of the building that he had no keys to open the door or the locker. He stated that the door was already open when he arrived, but that he doesn't have the key to open the locker, and that movement has not ended yet, indicating me the option to leave. By this time John Trudeau was up close & next to the room listening to the whole conversation. I told him once again that we are allowed to be here for Ceremony and that I wish to stay for "Services". He then stated that we could stay,



( Page 5 )

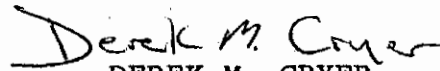
29) that afternoon I went to Happy Hour and hand delivered said letter to the I.P.S. Lt.. You were not there at the time so I went in the chow hall to eat. When I came out I looked over in the direction of Happy Hour and I seen you reading, what I was sure of, and thought to be my letter. That was at 12:55pm.

30) At 1:03pm three(3) Inner Perimeter Security (I.P.S.) Officers called me from the cell into the Case Managers office to question me about the letter. The Lt. of the I.P.S. was present, as was Jerry Kimber, and Mark Salafia. I told them all of what you just read in a nutshell; a phone call was made to the programs building by the I.P.S. Lt.; after the call the I.P.S. Lt. said that the box will be opened only to allow me to retrieve what I needed, and once I got out what I needed the box will be closed again. (This was/is unacceptable because one teaching leads to the next teaching which means that I/We would have to take out everything in the locker, and to continually call in the building officer to open and close the locker numerous times interrupting out Ceremonies). However, this is what the I.P.S. Lt. offered (which I did thank him for and understand his position) until Greg McCann came back from his week off which should have been the following Monday. (Today).

31) Because I wouldn't be able to Pray Properly, I had no other choice but to wait until Greg McCann returned to resolve this situation. Today is March 1, 2004, and there is still no resolve.

32) I sent a letter to Greg McCann dated February 26, 2004 requesting to resolve this issue with a simple Memo. (This letter is attached hereto and marked "A").

The recounting of the above statement is True and Accurate to the best of my ability and recollection of the events that occurred, and which is subscribed and sworn under the pains and penalties of perjury this 1st Day of May, in this Year 2004.

  
DEREK M. CRYER

CC: Greg McCann, D.O.T.  
Paul Pouliot, Spiritual Advisor  
Denise Mehigan, Spiritual Advisor  
Deacon Art Rogers, Catholic Chaplain  
Pastor Tom Kurtz, Protestant Chaplain  
N.A.S.A.C., Shirley Medium  
Deborah Coalter, Case Manager-Unit C-2  
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( Page 3 )

or form, and furthermore showed her proof (Posting dated 2-4-04) that I wasn't lying about my right to have access to the locked locker, and the the Scheduled times allowed. She was satisfied. (11)  
Et. 0

15) The following days of the next week I was consistently denied access to the locker by Sgt. Robinson and Sgt. Greg Poladian who are both D-Board Hearing officers, and who I believe instructed all other officers who "Had the building" to deny access to the locker.

16) On or about Friday the 13, 2004, I directly asked Sgt. Robinson to open the locked locker, at which time I was told NO in a very unprofessional manner, which in turn, I left the building at the next movement and informed Greg McCann at Happy Hour of the situation who informed me that "it will be taken care of" and to "just be patient".

17) The weekend past along with the following week of the 16th. I was "Patient" as requested by Greg McCann and incurred the ongoing penalty of not being allowed to properly Pray due to not having access to Particular Items and Documents.

18) On Monday February 23, 2004, my "Patience" intact, and upon entering the programs building, I asked officer Tina Ranno if she would open the locked locker inside of the Native American Room (Closet). She informed me that she believes that the locker is still not to be opened, and I told her that I didn't know why that the officers in question have it out for the Native American Circle. So once again, and upon a mutual agreement, she was suppose to seek out Greg McCann to once and for all settle this issue.

19) She left, and once again I waited in the waiting for her to return. About 15 minutes went by when I observed officer Ranno & Sgt. Robinson headed in my direction. Sgt. Robinson was very upset to the point of her face being flushed completely dark red and proceeded to the Native American Room (Closet) while instructing me to follow her, which I did, leaving a crack in the door for others to intentionanally over hear the conversation just in case I was about to be set up.

20) Off she ran with her mouth; she said "why haven't you got it through your thick head, I told you already that the locker will not be opened as long as I'm on; I told you to take the stuff out of the locker and put it out on the book shelf", I began to explain to her when she rudely cut me off and continued "and another thing, about the discrimination to the Native American group, I dont have a problem with the Native American group or any one in it, I have a problem with you, and you always wanting more than what your allowed". I began to ask her what it was that I ever asked her for that I wasn't allowed, but once again I was rudely cut off as she continued, "so stop trying to get over on Tina and this is the last time that I'm going to tell you, The Locker stays closed, end of conversation"; and she opened the door and stampeded off down the hall toward her office.

TO: Carol Mici, Acting Superintendent  
FR: Derek M. Cryer / C-2 - 5-B / W-55424  
RE: February 4, 2004 " Supplemental Affidavit "  
DT: March 1, 2004

(9)  
EX. 0

N.A.S.A.C

Files

SUPPLEMENTAL AFFIDAVIT

I Derek M. Cryer willfully makes the statement (s) below to inform proper authorities of the ongoing harrassment endured by me to ensure my Legal Right to Practice my Religion in Balance & in Harmony and Free from Harrassment, and also for Protection from said officers below from setting me up in the way of being lugged to the hole for "saying something that I never said to them" and or from Protection from being lugged to the hole or Higher Security for making a "Threatening Gesture at them" that I never made etc. I do depose and state as follows:

- 1) On or about February 3, 2004, as I do every Morning, Afternoon and Evening, I entered the Programs Building at the General movement.
- 2) I asked the Correctional Officer in charge of the building if she would open the door to the Native American Room (Closet). She did. (Her name is Officer Tina Ranno).
- 3) After the movement ended, and after Officer Ranno completed her duties, I went and requested of her that she open the locked locker so that I may have access to the belongings in the locker.
- 4) This was Officer Tina Ranno's first day (I was told) working in the programs building and she wasn't sure whether or not she should open the locker. She looked at the "POSTING" which states the times to pray with the Sacred Pipe.
- 5) On the POsting, there was no time that stated We/I should even be present in the Native American Room (Closet), and she, Officer Ranno did not open the locker (Which is correct in every aspect), but rather decided to, upon a mutual understanding, seek out Greg McCann, the Director of Treatment.
- 6) A few minutes went by when Sargeant May Robinson returned to look into the situation. She looked at the POSTING times and assumed that I wanted to Pray with the Sacred Pipe, which I didn't, and informed me that I was not allowed in the locker because the Posting did not permit me to "Smoke". (Pipe Prayer)
- 7) I told her that my purpose for having access to the locker at this time was not to "Smoke", but to have access to our Legal

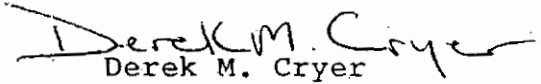
page 2

of a complete version of this situation because I have a deep concern for retaliation by these Officers directly and or indirectly which directly threatens my well-being.

Copies of this correspondence will be sent directly to every Staff Individual that I have already informed of this situation.

I do hope that you intervene immediately and put an end to such foolishness. Thank you so very much for your time.

Sincerely yours,

  
Derek M. Cryer  
C-2 / 5-B  
W-55424

CC: I.P.S. Captain:

Greg McCann, Director of Treatment  
Deacon Art Rogers, Catholic Chaplain  
Pastor Tom Kurtz, Protestant Chaplain  
Paul Pouliot, N.A.S.A.C. Visitor  
Denise Mehigan, N.A.S.A.C. Visitor  
N.A.S.A.C. files  
file/



B

ATTACHMENT "A"

⑤  
EX. 0

DEPARTMENT OF CORRECTION  
INMATE GRIEVANCE FORM  
FORWARD TO THE INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

## SECTION "A"

NAME: Derek M. Coyer INSTITUTION: Shirley Medium  
 NUMBER: W-55424 HOUSING UNIT: C2/5-B DATE OF INCIDENT: Beginning on or about the week of February / to present  
 COMPLAINT: I am & have been denied access to the locker in the Native American Room (Closet) which is a clear violation of my Constitutional Rights. Attached are Carbon Copies of my ongoing (Unnecessary Struggle) Complaints to the Proper Authorities (ATTACH ADDITIONAL PAGE IF NECESSARY) which have been blatantly ignored and have not been taken seriously.

## REMEDY

REQUESTED: I am requesting a Memo to be placed on the locker in question which state that the locker shall be opened "upon request" for the duration of the times that we are also allowed to be in the Native American Room (Closet).

INMATE SIGNATURE: Derek M. Coyer DATE: 3-11-04

STAFF RECIPIENT: \_\_\_\_\_ DATE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

## SECTION "B"

ASSIGNED GRIEVANCE NUMBER: \_\_\_\_\_

DECISION RENDERED: \_\_\_\_\_ APPROVED  
 \_\_\_\_\_ DENIED

## SUMMARY OF FINDINGS:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

IGC SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 (DENIED GRIEVANCES MAY BE APPEALED TO THE SUPERINTENDENT WITH 10 DAYS OF IGC'S DECISION.)

## SECTION "C"

## INMATE GRIEVANCE RECEIPT

INMATE NAME: \_\_\_\_\_ INSTITUTION: \_\_\_\_\_

NUMBER: \_\_\_\_\_ DATE RECEIVED: \_\_\_\_\_

SIGNATURE (IGC): \_\_\_\_\_ TITLE: \_\_\_\_\_

( Page 2 )

(16)  
Ex. P

but that the locker would not be opened. Both John and myself decided to stay anyway. The officer left, and a moment later Paul Legere, who had left the building previously, walking slowly back to the unit to see whether or not we stayed or got kicked out, returned to the Programs Building without incident and entered the Native American Room (Closet). The Locker was not opened, and all of us were unable to Pray.

At the 10:00am movement I went to Officer Taylor who was standing at the front door of the programs building holding the door open and asked him for permission to go and speak to the Female Lieutenant to make sure that the keys to open the door and the locker will be made accessible at the 1:00pm movement. My request was denied, and I was told not to worry about this afternoon because the keys to open the door and locker will be here. I went back into the Room (Closet) and waited for the 11:00am movement back to the Unit's.

At the 11:00am movement back to the unit's I went directly to the Lady Lieutenant who's full name I do not know (Lt. Walsh) and I requested that she please make it a point to make sure that the keys to the Native American Room (Closet) and locker be made available to the officer who will be in charge of the building at the 1:00pm movement. Lieutenant Walsh responded in favor of my request.

At the 1:00pm movement I went down to the programs building to make a "Spiritual Prayer"; I also went to finish up on my Secretarial Duties, and Legal obligations regarding the Native American Circle. Recreational Officer "Tom" was in charge of the building. Once again I placed my Programs Card in it's proper place and went into the Native American Room (Closet), placed my documents that I had on the book shelf, and went back out into the waiting area to ask Tom if he would kindly open the locker in the Native American Room (Closet). He asked me if I was Native American and I told him that I am. He asked me what blood-line was I from, but what he meant was what Nation or Tribe was I from; I told him that I was of Blackfoot-Mahican Ancestry on my Mother's side. He stated that he didn't know that Blacks were or could be Indians. I told him that there was a whole lot that he and or people in general didn't know, and continued to ask him if he would please open the locker in the Native American Room (Closet). He asked me if I was the only one that was there. I told him that I thought I would be seeing how movement was coming to end, but continued to say to him that even if I am the only one here, I am here and would kindly like the locker to be opened. He stated that he wasn't going to open the locker because he didn't have a key for it, & just like Officer Taylor, He (Tom) stated that movement is not over and that I can make it back to the block if I wanted to. I told him that I didn't want to go back to the block, and informed that I had this same problem in the morning with the officer that was on (C.O. Taylor) and that I spoke to Lieutenant Walsh (who was standing right outside) who told me that there would be keys to open the Native American Room (Closet) and Locker. I continued to ask him to call Her (Lt. Walsh) over to the building once the movement had ended to ask her about the opening of the both the Door and the Locker. He called Her on the "Radio"; when movement ended I watched as she approached the building to speak to Tom. After about a minute or so Rec. Officer Tom returned to the building; I asked him what she said to him; He told me that She told him to "let you (me) in". But he continued to say that he wasn't going to open the locker. I was surprised that he was directly disobeying a lieutenant & I said to him "Really?"; and he responded "really". I said "okay",

TO: Greg McCann, Director of Treatment  
FR: Derek M. Cryer / C-2 - 5-B / W-55424  
RE: Request Posting For Locker/N.A.S.A.C.  
DT: February 26, 2004

11  
A  
(14)  
Ex. P

Dear Mr. McCann,

As you know, I have been having serious problems with having access to the Sacred Teachings and other such Documents which are needed to properly Pray, and or to do Council Secretarial Work.

I spoke to you on February 6, 2004 or February 13, 2004 at which time you knew of the situation and asked me to be patient which I have. However while you were away, things became worse.

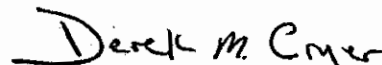
As far back as the very first day in regards to our records, the Circle has never had a problem with something as simple as unlocking a door and a locked box. For example, Officer Gary Clark who was recently moved to another post would (1) Unlock the Door, (2) Unlock the Box, (3) Come back at Movement time, (4) Lock the Box, & (5) Lock the Door.

I am requesting that a memo to be placed on the Box stating that We, the Members of N.A.S.A.C. are allowed access in the box on the days and times which have been scheduled for both Spiritual and Pipe Prayers.

All other denominations here at Shirley Medium are not targeted in any way shape of form, especially having their Sacred Teachings Kidnapped or Confined to a Locked Locker, and it's my firm belief that we don't deserve this type of treatment.

Please remedy this situation with a simple Memo.

CC: N.A.S.A.C.  
file/

  
DEREK M. CRYER



( Page 4 )

21) Seeing that I was given an opportunity to speak to Sgt. Robinson, I immediately asked officer Tina Ranno if the decision that was just handed down to me by Sgt. Robinson was a direct order from Greg McCann. Before I even finished the question, here she comes again, Sgt. Robinson, in all her fury and said "The conversation's over" and just stared at me. I responded to her by saying that "No one was even talking to you". She took a step forward and repeated herself and said "The conversation's over". I told her all I need to know is if what she just told me was the direct order and decision of Greg McCann or not.

22) That's when officer Tina Ranno interjected by saying "That's enough you guys, just forget about it". I looked at officer Ranno and shrugged my shoulders as if to say "I didn't do anything at all wrong", and after a moment decided to turn and walk back into the Native American Room (Closet).

23) I waited about twenty (20) seconds in the Native American Room (Closet) then immediately decided to inform Deacon Art Rogers and Pastor Tom Kurtz of what just transpired, and also what has taken place for the past few weeks. Both the Deacon and the Pastor informed me that they would speak to Greg McCann to try to resolve the issue. I thanked them individually and left.

24) At the 11:00am movement I went back to the unit, locked in, & began preparing the February 23, 2004 Complaint/Short Case Account which you've received. (NOTE: in that letter, 3rd paragraph, the date I spoke with Greg McCann was either "February 6, 2004" as it already states, OR "February 13, 2004". This is to the best of my knowledge).

25) The next day, February 24, 2004 I returned to the programs building at the 9:00am movement. Sgt. Poladian said that he "had the building". I asked him to open the Native American Room (Closet) so that I can return the Native American VHS tape which was played for the population the day before. As a child does, He huffed, puffed, pouted and sucked his teeth as he walked toward the door to open it.

26) I continued to ask him if the situation on the locker was status quo and he replied "There's no reason that it needs to be opened"; seeing where that conversation was about to go, I said "Thank you", turned around, and left the building.

27) The next day, February 25, 2004 I spoke to Pastor Tom Kurtz to see if he had the opportunity to speak with Greg McCann. He said that he spoke to Greg McCann and that Mr. McCann told him that I was allowed to be in the box, but that He (Mr. McCann) just needs to make this point clear to the building officers of/ to whom it may have concerned. I thanked Pastor Tom and left.

28) The following day, February 26, 2004 I proceeded to deliver and or mail out the February 23, 2004 Complaint/Correspondence to yourself, and all other individuals that I made aware of this situation. (See Carbon Copy (CC) in the February 23, 2004 complaint).



( Page 2 )

(10)  
EX. P

paper work, and our Sacred Teachings documents along with our Secretarial documents.

8) Furtehrmore I informed Sgt. Robinson that a week prior to this particular day (2-3-04) we, the Native American Spiritual Awareness Council have submitted a proposal to Greg McCann to revise the current posting times which was an addition that would allow Us Spiritual Prayer times throughout the afternoon from Sunday to FRiday. (These dates were not posted at that time).

9) So as she should have done, and did do, she went back to Greg McCann to see if what I told her about the revised proposal was accurate or not. So again I waited. (That day I was informed by one of the Native Brothers in the Circle that the Chief, at that time, already met with Greg McCann and that Mr. McCann approved Our proposal for the revision, which is why I was there in the first place. This was relayed to Sgt. Robinson.

10) Upon returning twenty (20) to twenty-five (25) minutes later while I stood waiting out in the waiting area, Sgt. Robinson's face was red as she approached me. I asked her if she spoke to Greg McCann, but instead of verbally responding to my question, she simply shot me a look and headed into the Native American Room (Closet) and gestured for me to follow. I did so.

11) Upon entering the room (Closet) she began to tell me in a frustrated manner that she is going to open the locked locker this one time, and that in the future, as long as she's in the building, the locker will remained locked; then suggested that I remove all of the Sacred documents out from the locker (Which is absurd, and which I did not) and place them on our book shelf.

12) I informed her that all of the belongings in the locker are Sacred Items and are not to be exposed in such a manner. Furthermore, as she turned to leave I asked her "was this DECISION to take all the Sacred documents out of the locker to be placed on the book shelf made by Greg McCann?". She responded in a more frustrated manner and said once again to "Take the stuff out of the locker and put it on the book shelf or don't plan on having access to the stuff because the locker will not be opened any longer". She stormed out of the Room (Closet).

13) That night at the 7:00pm movement I entered the programs building to attend the Native American Circle. Sgt, Robinson was the officer at the desk. She called me over and proceeded to say "She didn't appreciate how I tried to get over on officer Tina by trying to get her to open the locker at an unscheduled time". I explained to her once again as I did in "Paragraph 8", and also explained to her the exact information which is in Parenthesis in "Paragraph 9". She insisted that I was wrong, so in seeing where the conversation was headed, I respectfully dismissed myself to attend our Ceremony.

14) In the days to follow, I made it a point to speak to officer Tina Ranno on three (3) separate occasions to prove to her that I didn't try or even attempt to get over on her in any way shape,

TO: Greg McCann, Director of Treatment  
FR: Derek M. Cryer / C-2 - 5-B / W-55424  
RE: Request Posting For Locker/N.A.S.A.C.  
DT: February 26, 2004

(8)  
Ex. P

Dear Mr. McCann,

As you know, I have been having serious problems with having access to the Sacred Teachings and other such Documents which are needed to properly Pray, and or to do Council Secretarial Work.

I spoke to you on February 6, 2004 or February 13, 2004 at which time you knew of the situation and asked me to be patient which I have. However while you were away, things became worse.

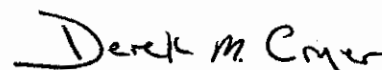
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I am requesting that a memo to be placed on the Box stating that We, the Members of N.A.S.A.C. are allowed access in the box on the days and times which have been scheduled for both Spiritual and Pipe Prayers.

All other denominations here at Shirley Medium are not targeted in any way shape of form, especially having their Sacred Teachings Kidnapped or Confined to a Locked Locker, and it's my firm belief that we don't deserve this type of treatment.

Please remedy this situation with a simple Memo.

CC: N.A.S.A.C.  
file/

  
DEREK M. CRYER

TO: Carol Mici, Acting Superintendent  
FR: Derek M. Cryer / C-2 - 5-B / W-55424  
RE: Denial of Legal Right to Religion  
DT: February 23, 2004

(6)  
Ex. P

Dear Ms. Mici,

For the past Three (3) weeks or so I have been denied access to the locked locker that we keep Our Spiritual Teachings in along with other documents that are only privy to the Council Members, and in being denied such access all of what little Rights that I do have is being violated by the Eighth and Fourteenth Amendent along with other such Laws.


D-Board Sgt. Robinson and Poladian are the main focus and direct problem that I'm Having. The ONLY thing that I ask of any C.O. when I'm in the programs Building is to simply open the door to the Native American Circle, and the Locker. This can't be done by either of these officers without some sort of blatancy, whether they open the door, or make me wait for 10 minutes to a half hour for the door to be open.

Greg McCann has been informed of this problem through myself and I was told that it would be resolved. This was February 6, 2004 at Happy Hour; Nothing has been done.

In closing, I would like to inform you that this is a simple & short case account of the going-ons here with the ongoing and intentional denial of the opening of the locker and my Religious Right to Freedom, and you will receive a Supplemental Affidavit

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF CORRECTION  
INMATE GRIEVANCE APPEAL FORM  
FORWARD TO SUPERINTENDENT

(4)  
ET. P

Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)  
Number W55424 Housing C-2 Appeal Date 09-APR-2004 Date Of Grievance 11-MAR-2004  
Appeal Received Date 12-APR-2004  
Appeal Inmate claims that this grievance has been referred to IPS for investigation which began on 2/26/04 and he is still being harrassed  
Remedy up until 3/16/04.  
Requested That locker be opened upon request from any member of the Circle during the scheduled times that Native American Circle is open.  
Staff  
Recipient Lipka Steven M CPO II  
Signature 

DECISION BY SUPERINTENDENT

Appeal Received Date 12-APR-2004 Decision Date 13-APR-2004 Decision Denied


Decision By Mici Carol A SUPERINTENDENT

Reasons Content of the locker has been evaluated by The Director of Treatment and the volunteer for Native Americans, it has been established that only sweet grass, pipe and lighter will remain locked until it is necessary to open for smoking periods. All other  
Signature material will not be locked up.

PAUL M. VERDINI  
SUPERINTENDENT

Date 4-13-04

INMATE RECEIPT

Inmate's Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)  
Number W55424 Appeal Received Date 12-APR-2004  
Staff  
Recipient Lipka Steven M CPO II  
Superintendent's Signature PAUL M. VERDINI  
SUPERINTENDENT 



TO: Carol Mici, Acting Superintendent  
FR: Derek M. Cryer / C-2 / W-55424  
RE: Appeal - Grievance #3147  
DT: March 27, 2004

Ex. P 4-2-04  
Mr. Lipka returned the  
Appeal Request because it was not  
the proper Form. He told me to get  
the proper Form from the Librarian as  
the case worker and resubmit it.  
Derek Cryer 4-2-04

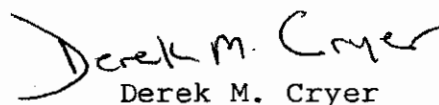
Dear Ms. Mici,

Please find attached hereto the Denial of Grievance #3147 ( Marked "A" ), along with a copy of the Grievance #3147 which is ( Marked "B" ). I am seeking relief from this denial on the following grounds:

- 1). The Denial of Grievance #3147 is without merit. There is not even One (1) single reason which can be given for such a denial.
- 2). Furthermore, in the denied "Decision", this grievance is referred to the I.P.S. "for investigation"; However this IPS investigation began on February 26, 2004 and I was still harrassed up until March 16, 2004.
- 3). It's clear that no one wants to be the one to correct this situation that should have been corrected almost two months ago; instead of beating around the bush as everyone has done, I'm requesting that you put your foot down, Approve this Appeal, and write a Memo to be placed on the Locker in question which states as follows:

\*This Locker Shall be opened upon request from any one member of the Circle during the Scheduled Times that the Native American Circle is open, & for the Locker to be closed upon request of a member who has completed His Ceremony and is leaving the area.

Thank you for your consideration for approval.

  
Derek M. Cryer

CC: N.A.S.A.C. files  
Spiritual Advisors  
file/



( Page 3 )

turned, and went back into the Native American Room (Closet). (17)  
EX-0

In regards to the laws that Govern prison officials, I present to you 103 CMR 471.07 (1) & (1a) INMATE ACCESS TO RELIGIOUS PROGRAMS AND SERVICES which states as follows:

103 CMR 471.07 (1): General. The rights of inmates to practice their religious beliefs, or to confer with the clergy person of an accredited religious group shall not be ABRIDGED (to shorten while Retaining the Substance), provided that these activities do not threaten the safety, security and orderly running of the institution. Specifically, subject to subsequent provisions of this policy, the following shall apply:

103 CMR 471.07 (1a): No inmate shall be denied the EXERCISE of religious beliefs and the liberty of WORSHIP according to the dictates of their conscience.

In closing, I am requesting that you post a memo stating that the Locker to the Native American Circle be opened and left opened for the duration of times that we are allowed to be there, and or until a member request that it be locked.

I hope that this will be the last time that I have ~~had to distract you from~~ from what should be the more important things on your agenda. Thank you very much for your time and understanding.

CC: Kathleen Dennehy, Commissioner  
Greg McCann, D.O.T.  
Pastor Tom Kurtz, Protestant Chaplain  
Deacon Arthur Rogers, Catholic Chaplain  
Paul Pouliot, Spiritual Advisor  
Denise Mehigan, Spiritual Advisor  
N.A.S.A.C. Files  
file

*Derek M. Cryer*  
Derek M. Cryer

**\*NOTE\*:** Below are the First and Last names of the Officers mentioned in this correspondence:

- 1.) Officer William Taylor
- 2.) Sargeant (not Lieutenant) Sandra Walsh
- 3.) Recreational Officer Tom Lavelle

These are the correct names and titles of the Officers mentioned which were given to me through and by other Officers here at Shirley Medium.

( Page 3 )

turned, and went back into the Native American Room (Closet). (17)  
EX. P

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In closing, I am requesting that you post a memo stating that the Locker to the Native American Circle be opened and left opened for the duration of times that we are allowed to be there, and or until a member request that it be locked.

I hope that this will be the last time that I have ~~to~~ ~~disturb~~ ~~you~~ from what should be the more important things on your agenda. Thank you very much for your time and understanding.

CC: Kathleen Dennehy, Commissioner  
Greg McCann, D.O.T.  
Pastor Tom Kurtz, Protestant Chaplain  
Deacon Arthur Rogers, Catholic Chaplain  
Paul Pouliot, Spiritual Advisor  
Denise Mehigan, Spiritual Advisor  
N.A.S.A.C. Files  
file

*Derek M. Cryer*  
Derek M. Cryer

**\*NOTE\*:** Below are the First and Last names of the Officers mentioned in this correspondence:

- 1.) Officer William Taylor
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These are the correct names and titles of the Officers mentioned which were given to me through and by other Officers here at Shirley Medium.



## COMMONWEALTH OF MASSACHUSETTS

## DEPARTMENT OF CORRECTION

## INMATE GRIEVANCE APPEAL FORM

## FORWARD TO SUPERINTENDENT

EXHIBIT

\* Q

1 of 1 Pgs

Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)

Number W55424 Housing C-2 Appeal Date 09-APR-2004 Date Of Grievance 11-MAR-2004

Appeal Received Date 12-APR-2004

Appeal Inmate claims that this grievance has been referred to IPS for investigation which began on 2/26/04 and he is still being harrassed up until 3/16/04.

Remedy

Requested That locker be opened upon request from any member of the Circle during the scheduled times that Native American Circle is open.

Staff

Recipient Lipka Steven M CPO II

Signature *St. Jpl*

## DECISION BY SUPERINTENDENT

Appeal Received Date 12-APR-2004 Decision Date 13-APR-2004 Decision Denied

Decision By Mici Carol A SUPERINTENDENT

Reasons Content of the locker has been evaluated by The Director of Treatment and the volunteer for Native Americans, it has been established that only sweet grass, pipe and lighter will remain locked until it is necessary to open for smoking periods. All other material will not be locked up.

Signature

**PAUL M. VERDINI**  
SUPERINTENDENT

Date

4-13-04

## INMATE RECEIPT

Inmate's Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)

Number W55424 Appeal Received Date 12-APR-2004

Staff

Recipient Lipka Steven M CPO II

Superintendent's Signature **PAUL M. VERDINI**  
SUPERINTENDENT

## NATIVE AMERICAN SPIRITUAL AWARENESS COUN

*Kenneth Stimpson*  
CHIEF  
Kenneth Stimpson



*Derek M. Cryer*  
SECRETARY  
Derek M. Cryer

*James Bost*  
SUB-CHIEF  
James Bost

April 21, 2004

Dear Ms. Carol Mici,

Today, Wednesday, April 21, 2004 We had a scheduled Gathering with our outside Spiritual Advisors in the Programs Building. The majority of our Members showed up in the building at the 1:00pm movement, but our guests were not present at the time. Kenneth Stimpson asked the Program Building Guard Tina Ranno if she would kindly open the door to the Native American Indian room (closet). Guard Tina Ranno's response was " I'll get to it in a minute ". A few minutes went by when Member Robert Kaufman asked Guard Tina Ranno if she will please unlock the door to the Native American Indian Room (closet), and Guard Tina Ranno's response was " When I get to it ", even though all the other Rooms in the building were opened for other programs and Religious Services. Twenty minutes or more later, and after several other request to unlock the Door to the Native Room (closet), she stepped up and opened the Janitors Closet which is literally about Two (2) Feet from Our closet door, then walked away. We sent our Secretary to see if our visitors already arrived, and upon His return our visitors showed, they came from the opposite hallway, and Greetings were passed along as we continued to wait for the door to be opened . When Guard Tina Ranno seen that we had Visitors and heard us telling our visitors what was going on with the door not being opened, she came over, opened the door, let Kenneth Stimpson in the room (closet), walked in behind Him and closed the door. (attached is the complaint from Mr. Stimpson).

Please put an end to the subtle racism, and blatant discrimination directed at our people.

yours truly,

P.O. - BOX 1218 - HARVARD ROAD - SHIRLEY, MA. 01464

## COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF  
INMATE GRIEVANCE  
FORWARD TO SUPERINTENDENT

EXHIBIT

S

1 of 1 Pgs

SETTS

Received  
6.18.04  
At 6:21 pm  
Derek Cryer

**Name** CRYER DEREK **Institution** MCI SHIRLEY (MEDIUM)

**Number** W55424 **Housing** C-2 **Appeal Date** 09-APR-2004 **Date Of Grievance** 11-MAR-2004

**Appeal Received Date** 12-APR-2004

**Remedy Requested** Inmate claims that this grievance has been referred to IPS for investigation which began on 2/26/04 and he is still being harrassed up until 3/16/04.

**Staff** That locker be opened upon request from any member of the Circle during the scheduled times that Native American Circle is open.

**Recipient** Lipka Steven M CPO II

**Signature**

## DECISION BY SUPERINTENDENT

**Appeal Received Date** 12-APR-2004 **Decision Date** 13-APR-2004 **Decision** Denied

**Decision By** Mici Carol A SUPERINTENDENT

**Reasons** Content of the locker has been evaluated by The Director of Treatment and the volunteer for Native Americans, it has been established that only sweet grass, pipe and lighter will remain locked until it is necessary to open for smoking periods. All other material will not be locked up.

**Signature**

6/15/04 - In accordance with 103 CMR 491, I have reviewed grievance #3147 concerning access to the Locker in the Native American Room.

Please be advised that I am overturning the Superintendent's decision and approving your grievance with modification, as the facts presented reveal a thorough investigation was conducted regarding your allegations. Furthermore, although there was confusion as to the exact procedures for access to the Native American Room and footlocker, the institution has taken reasonable action to correct this matter by posting a memorandum with the proper procedures for access to the Native American Room and footlocker.

*Kristie Ladouceur*

Kristie Ladouceur  
Department Grievance Coordinator

Date

## INMATE RECEIPT

**Inmate's Name** CRYER DEREK **Institution** MCI SHIRLEY (MEDIUM)

**Number** W55424 **Appeal Received Date** 12-APR-2004

**Staff Recipient** Lipka Steven M CPO II

**Superintendent's Signature**

Kristie Ladouceur  
Department Grievance Coordinator  
Massachusetts Department of Correction  
Commissioner's Office  
50 Maple Street, Suite 3  
Milford, MA. 01757-3698

EXHIBIT

\* T

1 of 1 Pgs

June 19, 2004

Dear Kristie,

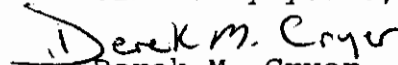
On June 18, 2004 at 6:21pm I received your June 15, 2004 correspondence which consisted of One (1) page; it revealed the final decision regarding my grievance #3147 which " Overturned the denial of the Superintendent's decision, and approving my grievance with modification ". This letter is attached hereto.

First, I would like to thank you for rightfully overturning the denial; Secondly, and very specifically I am writing to better understand the exact meaning as to what the phrase " **Approving my grievance with modification** " entails. As of this date, I have not been informed as to what the "Modifications" are.

This letter will be submitted to Carol Mici, the Acting Superintendent which denied this grievance in hopes for a response as to what the modifications are. I hope to hear from either one of you in the very near future explaining the specifics regarding the " **Modification** ".

Thank you once again for your time and assistance on this matter.

Sincerely yours,



Derek M. Cryer  
Shirley Medium  
P.O. Box 1218  
Harvard Road  
Shirley, MA. 01464

CC: Carol Mici  
Spiritual Advisors  
file/



EXHIBIT

U

1 of 2 Pgs

Hand Received From Lipka in the  
 Programs building on 7-1-04 at 9:55 AM  
 And was told that there was no overturn  
 Appeal And Everything will stay the same  
 Regarding the locker, And was told that He  
 will not call Kristie And told me to write  
 to her myself. Derek Coyer

TO: Steve Lipka

FR: Derek Coyer

June 23, 2004

Dear Steve,

Please find attached a copy of the  
 final decision from Kristie Ladouceur overturning the  
 grievance # 3141 which was denied by Carol Nici.

I am writing to request that you find out  
 from the Department Grievance Coordinator what the  
 specific modifications are, and to request to place  
 all of our belongings, which was forced out of our  
 locker, back in the locker.

Please respond swiftly.

Derek Coyer

Derek Coyer

C-2 / 30-B

W-55424

CC: File /

(Page 1)

EXHIBIT

\* V  
1 of 3 Pgs

## COMMONWEALTH OF MASSACHUSETTS

## DEPARTMENT OF CORRECTION

## INMATE GRIEVANCE FORM

## FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

(1 of 3)

Name CRYER DEREK Grievance# 7993 Institution MCI SHIRLEY (MEDIUM)


Commit No. W55424 Housing C-2 Date Of Incident 20050110 Date Of Grievance 20050111

Complaint The inmate files a complaint of staff harassment relative to activities in the programs building. The inmate claims that he was not permitted to perform a "sacred drumming ceremony". The inmate states that he was denied by Officer Ranno who, he claims, is maliciously harassing him.

Remedy Requested The inmate alleges willful and malicious harassment and requests that it stop.

Staff Recipient Nano Keith CO II

Staff Involved Ranno Justina A CO I

Signature 

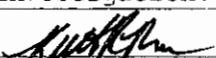
## RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20050117 Decision Date 20050117

Signature Nano Keith CO II

Final Decision Referred to Internal Affairs

Decision Due to the allegation of staff harassment this complaint has been forwarded for investigation.

Signature  Date 1/17/05

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

## INMATE RECEIPT

Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)

Commit No. W55424 Grievance# 7993 Date Received 20050117

Signature. Nano Keith CO II

EX. V

to use the Herbs. I waited for ten (10) minutes or so without no reply from her so I rounded the corner to the chaple area and found her talking to Deacon Art Rogers, so I left and gave them their privacy. She came back and sat back at her desk never saying anything to me, talking on the phone. When she was done about twenty (20) minutes later I asked her if she found out about the situation. She told me that "She was told that I was not allowed in the box" even though there is a posting at her desk saying in clear english that I can. I spoke to Deacon Artie and informed about the harrassment, and told him that I would write it up and send him a copy for his records.

*Derek M. Cryer*  
Derek M Cryer  
W-55424

CC: Michael Thompson, Superintendent  
Carol McEl, Deputy, Superintendent  
Greg McCann, Director of Treatment  
Art Rogers, Catholic Chaplain  
Kathleen Denny, Commissioner  
Paul Poullet, Spiritual Advisor  
File /

TO: Keith Nano, Grievance Coordinator

FR: Derek M. Cryer / C-2 / W-55424

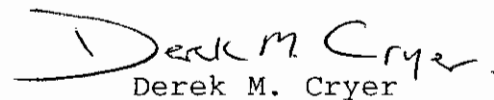
RE: Grievance #7993

DT: February 4, 2004

2005

Dear Mr. Nano,

I am writing to for a follow-up regarding the grievance stated above. I am requesting a copy of the "Investigation Report" that was made regarding the decision of the grievance stated above. Please respond soon. thank you.

  
Derek M. Cryer

C-2 / W-55424

CC: Greg McCannn, D.O.T.

Deacon Art Rogers, Catholic Chaplain  
file/



2062 (Page 1)

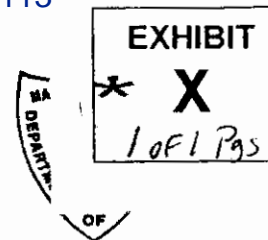


**Mitt Romney**  
Governor  
**Kerry Healey**  
Lieutenant Governor  
**Edward A. Flynn**  
Secretary


*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety*  
*Department of Correction*  
**MCI-Shirley**

**P. O. Box 1218**  
**Shirley, Massachusetts 01464**  
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**Kathleen M. Dennehy**  
Commissioner  
**James R. Bender**  
Deputy Commissioner  
**Michael A. Thompson**  
Superintendent

**TO:** Inmate Derek Cryer W55424 (C-2)  
**FROM:** Sgt Keith Nano, Institutional Grievance Coordinator   
**DATE:** February 7, 2005  
**Re;** Grievance #7993

---

Be advised that grievance #7993 was referred for investigation due to the allegation of staff harassment. Upon completion of the investigation you will receive correspondence from the office of the Superintendent regarding the issue.

## COMMONWEALTH OF MASSACHUSETTS

## DEPARTMENT OF CORRECTION

## INMATE GRIEVANCE FORM

## FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC,

EXHIBIT

\* Y  
10F2 Pgs

10F2 (11) (1)

Name CRYER DEREK Grievance# 8548 Institution MCI SHIRLEY (MEDIUM)


Commit No. W55424 Housing C-2 Date Of Incident 20050214 Date Of Grievance 20050214

Complaint The inmate alleges harassment on the part of Sgt Robinson regarding the use of the Native American room in the Programs building.

Remedy Requested The inmate requests that the "harassment" stop.

Staff Recipient Nano Keith CO II

Staff Involved Robinson Mary Ellen CO II

Signature 


## RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20050216 Decision Date 20050216

Signature Nano Keith CO II

Final Decision Referred to Internal Affairs

Decision The grievance has been referred for investigation due to the allegation of harassment.

Signature  Date 2/16/05

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

## INMATE RECEIPT

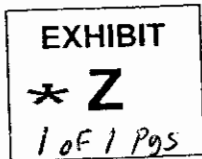
Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)

Commit No. W55424 Grievance# 8548 Date Received 20050216

Signature. Nano Keith CO II

(Page 1)

11A



TO: Michael Thompson, Superintendent

FR: Derek M. Cryer

RE: Staff's Wilfull & Malicious Harrassment

DT: February 18, 2005

Dear Mr. Thompson,

On or about the first week of February of last year (2004), and up until this very day, I have been the target of unnecessary attacks against me from the various staff members here at Shirley Medium. These attacks are solely based on the fact that I am I am an African-American Indian struggling to maintain what little rights that I have tonbe able to Practice my Religion (Culture) in a peaceful way, in which it is very diff#cult to do especially when I'm constantly being Harrassed wilfully and maliciously at every angle by amhandful of staff members and their counter-parts/chums. (attached are previous &current Grievances).

Recently 22 boxes of Playing Cards and Pinochle Cards which were stored in my locker in view, and neatly stacked were taken from me in a cell check, and I was told that I was given a ticket for having more Table Type Games than I was allowed to have which by the property inventory sheet states three (3) games, Table Type allowed. (The reason for the cards is that I am a magician).

Cards are not considered and have never been considered "Table Type" games within the D.O.C. Property Procedures. There has never been a limit on the amount of decks that a prisoner can have in his living quarters because unlike the actual "Table Type" games (ie. Double Six Dominoes, Chess/with Board, Checker Set with Board, Backgammon, Yahtzee, & Cribbage) which are bought through Keefe Commissary Clothing Order Forms, and are placed on the Property Inventory Sheet, Cards can be ordered directly from the weekly canteen, and Are Not Inventoried. Furthermore, there is a limit of one (1) to thirty (30) decks that I am allowed to by on a weekly basis, and there is no current rule or regulation, memo nor anything of the like which has ever stated that I was not allowed to possess a certain number of card decks.

For these reasons, I am requesting that you intervene on this matter and have not only my cards returned, but to please stop the Harrassment, because I've done nothing to deserve this type of treatment other than to be African and American Indian at the same time. Please help me.

Sincerely yours,

*Derek M. Cryer*

DEREK M. CRYER

C-2 / 30-B

W-55424

Shirley Medium,

CC: Kathleen M. Dennehy, Commissioner  
Mark Reilly, Chief, Office of Investigative Services  
Governor, Mitt Romney  
file/

EXHIBIT

AA

1 of 2 Pgs

FR: Derek M. Cryer, / C-2 / W-55424

RE: Investigation / Staff Awareness

12

DT: March 24, 2005

Dear Sir,

I am writing to you in part; First I am requesting a complete copy of all the "Investigative Reports" concerning my charges I made about Staff Harassment, along with the Reports regarding the Actions that were taken to ensure the discontinued Harassment.

Secondly, I am an African American - American Indian and I practice (live) the American Indian Religion and way of life, and ever since I began to wear my Religious Headbands I have been a constant target.

It began on February 18, 2005; this was the first time I ever wore my Headband, no more than an hour after I left the cell I was given a ticket, I was pulled over by staff, I was followed by staff, I was stared down by staff, Staff making remarks to one another as I walk by saying "who the fuck does this Cryer think he is?" and throughout that day and even to this present

(1)



By the Sword we seek peace  
But Peace only under liberty

(Page 1)



**Mitt Romney**  
Governor  
**Kerry Healey**  
Lieutenant Governor  
**Edward A. Flynn**  
Secretary

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety*

*Department of Correction*

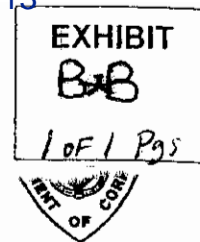
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12A

**Kathleen M. Dennehy**  
Commissioner  
**James R. Bender**  
Deputy Commissioner  
**Michael A. Thompson**  
Superintendent

April 7, 2005

Derek Cryer, W55424  
MCI Shirley  
P.O. Box 1218  
Shirley, MA 01464

Dear Mr. Cryer:

I have received your letter of March 24, 2005 regarding your wanting complete copies of all investigative reports concerning your charges and wearing a headband and being harassed by staff because of this issue.

You are not entitled to copies of investigative reports. I will take steps to inform staff regarding wearing headbands if you provide specific information about incidents of harassment and they will be investigated.

Sincerely,

*Michael Thompson*  
*(Signature)*

Michael A. Thompson  
Superintendent

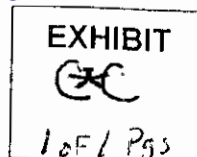
MAT/jg

cc: file

Recd. 4-14-05

(Page 1)

12B



TO: Michael Thompson, Superintendent

FR: Derek Cayer / C-2 / Wessley

RE: Reply letter - April 7, 2005

DT: April 23, 2005

Dear Mr. Thompson,

I am in receipt of your April 7, 2005 Reply letter which I Received on April 11, 2005 which informs me that I need to provide Specific information about incidents of Staff Harassment in order for them to be investigated. In my March 24, 2005 letter to you I thought I was Specific enough.

However, if your requesting the names of the officers ~~involved~~ ~~involved~~, I am requesting that I be called to your office's For the Site Purpose to View the Staff ~~Photo~~ Database. So that I may positively identify the Officers involved as I do not know all of their names.

Thank you for your time on this matter.

CC: File/H.W.

Derek Cayer

## COMMONWEALTH OF MASSACHUSETTS

## DEPARTMENT OF CORRECTION

## INMATE GRIEVANCE FORM

## FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR

EXHIBIT

DD

1 of 3 Pgs

(Page 1)

Name CRYER DEREK Grievance# 9345 Institution MCI SHIRLEY (MEDIUM)


Commit No. W55424 Housing C-2 Date Of Incident 20050321 Date Of Grievance 20050325

Complaint The inmate claims that he was informed on 2/16/05 by Director of Treatment McCann that the Native American Room in the programs building would be accessible in the mornings and afternoons and that the Native American books and videos will be maintained in the Native American room. The inmate then complains that on 2/28/05 he was informed by DOT McCann that the Native American schedule was changing and that the books and videos would be relocated to the institutional library. The inmate cites ongoing issues with Mr McCann and indicates that Mr McCann lied to him, acted unprofessionally and abuses his power.

Remedy Requested The inmate requests that the former Native American schedule be reinstated, that the Native American books are returned from the library and that the malicious harassment and discrimination against him be discontinued.

Staff Recipient Nano Keith CO II

Staff Involved McCann Gregory DIR OF CLASSIFICATION

Signature 


## RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20050329 Decision Date 20050329

Signature Nano Keith CO II

Final Decision DENIED

Decision The inmate is advised that program structure and schedule is implemented at the discretion of the Director of Treatment in accordance with Departmental and Institutional policies and guidelines in conjunction with operational needs. The fact that the schedule was changed and the books and videos were appropriately relocated to the library does not constitute lying or unprofessionalism. Nor does it constitute discrimination, harassment or abuse of power. The inmate is reminded that the Director of Treatment does not require the approval of the inmate in conducting his duties. The grievance is denied.

Signature  Date 3/29/05

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

## INMATE RECEIPT

Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)

Commit No. W55424 Grievance# 9345 Date Received 20050329

Signature Nano Keith CO II

Appealed April 1, 2005

(PAGE 3)

EX. DD

Page 2 of 2

Native VHS Videos will be kept on the Native Book Shelf, and that the locker will remain closed during the day. On February 28, 2005, McCann told me that the Circle will be closed during the Mornings & Afternoons and also that the Native books (which were donated to the Native Circle) will be brought over to the general Library for processing. A few weeks later, the books were brought to the Library (week of March 21, 2005).

Beginning February of 2004, Issues began with myself and McCann, and other Staff in the programs building regarding Access to the Native American Locker. I have Filed Several grievances and Reports with the Administration about this issue. Mr. McCann could have resolved this issue over a year ago with a few simple words, but he chose to act in a completely Unprofessional Manner, as he continues to do by lying to myself, all the Native Members, and most importantly by lying to our Spiritual Advisors. This is not the first time Mr. McCann has lied to myself, the Native Members, and Spiritual Advisors. And now comes this latest incident; Even though the Program building is open during the Mornings and Afternoons, He decides to close the Native Circle after he told myself and my Spiritual Advisors that it would be opened during those times.

Mr. McCann, Through my eyes, has taken his Job for granted, and in his past and previous actions and Non-Actions has performed an Abuse of Power, and has acted Unprofessional.

Derek M. Coyer

W. 55424

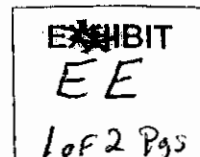
C-2

CC: File/



**COMMONWEALTH OF MASSACHUSETTS****DEPARTMENT OF CORRECTION  
INMATE GRIEVANCE APPEAL FORM  
FORWARD TO SUPERINTENDENT**

(Page 1)



Name CRYER DEREK Institution MCI SHIRLEY (MEDI)  
 Number W55424 Housing C-2 Appeal Date 05-APR-2005 Date Of Grievance 25-MAR-2005  
 Appeal Received Date 05-APR-2005  
 Appeal The Native American Room has been closed unjustly during the mornings and afternoons eventhough the Programs building is open, and the majority (to date) of the Native books have been removed to the Library.  
 Remedy Requested Mornings and afternoons reinstated, and the Native books returned.  
 Staff Recipient Nano Keith CO II  
 Signature \_\_\_\_\_

**DECISION BY SUPERINTENDENT**

Appeal Received Date 05-APR-2005 Decision Date \_\_\_\_\_ Decision \_\_\_\_\_  
 Decision By \_\_\_\_\_  
 Reasons \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

**INMATE RECEIPT**

Inmate's Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)  
 Number W55424 Appeal Received Date 05-APR-2005  
 Staff Recipient Nano Keith CO II  
 Superintendent's Signature Michael A. Thompson, (Dir)

(1 of 3)

14

EXHIBIT  
F\*F  
1 of 3 Pgs

## REQUEST TO STAFF

DATE: March 28, 2005TO: Carol Mici, Deputy Superintendent  
(name and title of staff member)

SUBJECT: State completely but briefly the problem on which you desire assistance, give details.

On February 16, 2005 I, along with The Native American Spiritual Advisors (Paul Povliot & Denise Mehigan), The Members of The Native Circle and Greg McCann Met For About An hour in the Programs Building To Agree upon A Schedule that could work For the Staff and the Members of the Native Religion. We All Came up with an agreement; Mr. McCann told All the Members and our Outside Spiritual Advisors That the Circle will  
(use other side of page if more space is needed)

over →

ACTION REQUESTED: State exactly how you believe your request may be handled, that is, exactly what you think should be done and how.

- Reinstate Morning & Afternoon Access to The Native Spiritual Room
- Replace-Return The Native Books to the Native Room (These books were donated to the Native Circle, Not the Library).

NAME: Derek M. Cryer No: W-55424  
WORK ASSIGNMENT: Maintenance in the Native American Room. HOUSING UNIT: C-2

NOTE: If you follow instructions in preparing your request, it can be disposed of quickly and intelligently. You will be interviewed, if necessary, in order to satisfactorily handle your request. Your failure to specifically state your problem may result in no action taken.

DISPOSITION: (Do not write in this space.)

DATE

STAFF SIGNATURE

CC: Michael Thompson, Superintendent  
Spiritual Advisors  
File



**Mitt Romney**  
Governor  
**Kerry Healey**  
Lieutenant Governor  
**Edward A. Flynn**  
Secretary

*The Commonwealth of Massachusetts*  
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**Kathleen M. Dennehy**  
Commissioner  
**James R. Bender**  
Deputy Commissioner  
**Michael A. Thompson**  
Superintendent

April 7, 2005

Mr. Derek Cryer W-55424  
MCI-Shirley / C-2  
P.O. Box 1218  
Shirley, MA 01464

Dear Mr. Cryer:

Please be advised that I have received your "Request to Staff" dated March 28, 2005 regarding the Native American Schedule and Native American books.

A "Request to Staff" form is to be utilized prior to the submission of a grievance and is intended to informally resolve problems/disputes. In cases where the inmate is not satisfied or the problem cannot be resolved via a "Request to Staff", a Grievance can then be filed.

Previously, on March 25, 2005 you submitted a Grievance, and on March 29, 2005 Sergeant Keith Nano, MCI-Shirley Institutional Grievance Coordinator, met with you and issued you a response. You have ten business days to appeal his decision. I, therefore, will not respond to the "Request to Staff" as it was submitted subsequent to filing the grievance and both documents request the same remedies.

I trust this response addresses your concerns.

Sincerely,

Carol A. Mici  
Deputy Superintendent

GM/emc

cc: Keith Nano, Sergeant  
file Accredited by the Commission on Accreditation for Corrections"

EXGG

15



ATTACHMENT "A"

DEPARTMENT OF CORRECTION  
INMATE GRIEVANCE FORM  
FORWARD TO THE INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

SECTION "A"NAME: Derek Cryer INSTITUTION: Shirley MediumNUMBER: W-55424 HOUSING UNIT: C-2 DATE OF INCIDENT: On-going

COMPLAINT: As a "Black Native American" Person and a Native "Religious" Practitioner  
Here at Shirley Medium I have been targeted (by Staff Members) with  
Harassment, Prejudice, and Racial & Religious Discrimination. These Acts  
(ATTACH ADDITIONAL PAGE IF NECESSARY) over →

## REMEDY

REQUESTED: Mandate All Staff (Guards, Management etc.) be made aware of the  
Importance of the matter, and require all staff to Forgo a Sensitivity Training Session,  
And to discipline those staff involved ~~negatively~~ Positively & Compensatory (\$50,000 ea).

INMATE SIGNATURE: Derek Cryer DATE: 4-8-05

STAFF RECIPIENT: \_\_\_\_\_ DATE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

SECTION "B"

ASSIGNED GRIEVANCE NUMBER: \_\_\_\_\_

DECISION RENDERED: ☐ APPROVED  
☐ DENIED

SUMMARY OF FINDINGS:

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---



---

IGC SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
(DENIED GRIEVANCES MAY BE APPEALED TO THE SUPERINTENDENT WITH 10 DAYS OF IGC'S DECISION.)

SECTION "C"

## INMATE GRIEVANCE RECEIPT

CC: File 1 of 3 pgs



Ex. 66

30F3 pgs.

be Stripped Searched because I Felt I was being set up  
And no OFFICER would Strip Search me. However, I was given  
a thorough Shakedown and the lighter was not on my person's.

The next day I was informed that the lighter was "Found on  
the Floor" by STAFF. I believe that OFFICER Fisher has nothing  
to do with this attempt to Set me up.

API 107 (Page 1)  
 Copy Handwritten  
 4-12-05

ATTACHMENT "A"

DEPARTMENT OF CORRECTION  
 INMATE GRIEVANCE FORM  
 FORWARD TO THE INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

## SECTION "A"

NAME: Derek Croyer INSTITUTION: Shirley Medium  
 NUMBER: W-55424 HOUSING UNIT: C-2 DATE OF INCIDENT: 3-31-05 <sup>04-30-05</sup>

COMPLAINT: The fact that my Remedy request is different, this grievance should not have been returned!  
if the belief is that the top part of my grievance is the same, I disagree. And because I was already  
interviewed separately about the 3-31-05 incident the grievance should not have been returned without a  
finding.  
 (ATTACH ADDITIONAL PAGE IF NECESSARY)

## REMEDY

REQUESTED: Provide all staff (guards, management etc) be made aware of the importance of the matter, and  
require all staff to have a Sensitivity Training Session, and to discipline those staff involved in this incident by  
(\$150,000 ea.) awarded to my parent.

INMATE SIGNATURE: Derek M. Croyer DATE: 4-12-05

STAFF RECIPIENT: \_\_\_\_\_ DATE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

## SECTION "B"

ASSIGNED GRIEVANCE NUMBER: \_\_\_\_\_

DECISION RENDERED: ☐ APPROVED  
☐ DENIED

SUMMARY OF FINDINGS:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

IGC SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 (DENIED GRIEVANCES MAY BE APPEALED TO THE SUPERINTENDENT WITH 10 DAYS OF IGC'S DECISION.)

## SECTION "C"

## INMATE GRIEVANCE RECEIPT

## COMMONWEALTH OF MASSACHUSETTS

## DEPARTMENT OF CORRECTION

## INMATE GRIEVANCE FORM

EXHIBIT

B-I

1 of 2 Pgs

(Page 1)  
EX. II

## FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR ( )

Name CRYER DEREK Grievance# 9727 Institution MCI SHIRLEY (MEDIUM)


Commit No. W55424 Housing C-2 Date Of Incident 20050413 Date Of Grievance 20050413

Complaint I'm being denied access to my legal rights to practice my Religious Sacred Native American Ceremonies. (Refer to "Remedy Requested" Section below Please).

Remedy Requested 1 Requesting Morning and Afternoon Smudges & Sacred Pipe Prayers/2 Sacred Ceremonial Tobacco/3 Sacred Personal Prayer Pipes/4 Sacred Sweat Lodge/5 Outside Sacred Worship Area/ 6 4 Row Sacred Choker Kit/ 7 Sacred Native Crafts/ 8 Annual Sacred Pow Wow Ceremony/ 9 Giveaways Sacred Ceremony/ 10 Consumer Jerky At Solstices and Equinox's.

Staff Recipient Nano Keith CO II

Staff Involved \_\_\_\_\_

Signature 

## RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20050414 Decision Date 20050414Signature Nano Keith CO IIFinal Decision DENIED

Decision The inmate is advised that the scheduling of the Native American Group has been previously addressed with him via the grievance process. The schedule is implemented at the discretion of the Director of Treatment in accordance with policy and will not be modified to accomodate the inmate's personal requirement. Regarding the items awaiting approval, the inmate is advised that the Religious Services Review Committee is addressing them, as the inmate is well aware. The inmate is further advised that the continued submission of grievances regarding the same subject will result in the recommendation of the suspension of his grievance priveleges.

Signature Date 4/14/05

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

## INMATE RECEIPT

Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)

Commit No. W55424 Grievance# 9727 Date Received 20050414

Signature. Nano Keith CO II

Grievance # 9727

(Page 2)

ATTACHMEN

DEPARTMENT OF CORRECTION  
INSTITUTION APPEAL FORM

FORWARD TO THE INSTITUTIONAL SUPERINTENDENT



18

SECTION A

NAME: Doree Malcolm Coker INSTITUTION: Shirley Medium

NUMBER: W-2004 HOUSING UNIT: C-2 DATE OF INCIDENT: 4-13-05

APPEAL My Grievance is not of "Same Subject" as the IGC stated, and Furthermore is Protected by State and Federal Laws along with State and Federal Prison Policies. Why are my  
Letters request Continually denied?

(ATTACH ADDITIONAL PAGE IF NECESSARY)

REMEDY ① Morning & Afternoon Smudges & Sacred Prayer Pipe Ceremonies / ② Sacred Ceremonial Tobacco  
③ Sacred Personal Prayer Pipes / ④ Sacred Sweat Lodge / ⑤ Outside Sacred Worship Area / ⑥ Round Chakras  
REQUESTED: ① Sacred Native Crafts / ② Annual Sacred Powwow Ceremony / ③ Giveaways Sacred Ceremony  
④ Consecrate Turkey at Subtices and Equinoxes

INMATE SIGNATURE: Doree Malcolm Coker DATE: April 16, 2005

STAFF RECIPIENT: \_\_\_\_\_ DATE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

SECTION B

ASSIGNED GRIEVANCE NUMBER: \_\_\_\_\_

ASSIGNED INSTITUTION APPEAL NUMBER: \_\_\_\_\_

DECISION RENDERED: \_\_\_\_\_ APPROVED  
\_\_\_\_\_ DENIED

SUMMARY OF FINDINGS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SUPERINTENDENT'S  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

SECTION C

INMATE APPEAL RECEIPT

INMATE NAME: \_\_\_\_\_ INSTITUTION: \_\_\_\_\_

NUMBER: \_\_\_\_\_ DATE RECEIVED: \_\_\_\_\_

RECEIPTING STAFF: \_\_\_\_\_ TITLE: \_\_\_\_\_

cc: file / H



Ex. KK

19



Dorca I Gomez, Commissioner  
Massachusetts Commission Against Discrimination  
One Ashburton Place, Room 601  
Boston, MA. 02108

April 22, 2005

Dear Commissioner,

On March 19, 2004 I wrote to your office requesting assistance against Harrassment and Discrimination targeted at me by corrections Officers here at Shirley Medium. I have yet to get a reply letter from your office which leads me to believe that the letter may have not even reached your desk or office building for that matter. (That letter is attached hereto).

I am writing yet once again to inform you that the conditions here got that much worse as I suggested in my first letter. I am now about to file an action within the Federal District Courts for Injunctions for Religious Items that have been denied to Native American Practioners, and for monetary damages for Harrassment, Intimidation, Pain and Mental Anguish, Retaliation, and Religious and Racial Discrimination. I am once again seeking assistance from your office, and hope that an attorney can represent this case with me.

Please do not delay in your response as although things got worse from the first letter I sent you almost one year ago, things are getting worse as I speak.

Thank you once again for your time and considerations.

Derek M. Cryer  
Derek M. Cryer  
Shirley Medium  
P.O. Box 1218  
Harvard Road  
Shirley MA 01464

CC: Paul Pouliot/Denise Mehigan, Native Spiritual  
Advisors  
file/



THE COMMONWEALTH OF MASSACHUSETTS  
COMMISSION AGAINST DISCRIMINATION  
ONE ASHBURTON PLACE, BOSTON, MA 02108-1518



Mitt Romney  
Governor

Kerry Healey  
Lieutenant Governor

Eric A. Kriss  
Secretary  
April 28, 2005

Dorca I. Gómez  
Chairwoman

Walter J. Sullivan, Jr.  
Commissioner

Cynthia A. Tucker  
Commissioner

Derek M. Cryer  
Shirley Medium  
P.O. Box 1218  
Harvard Road  
Shirley, MA 01464

RE: Your letter received

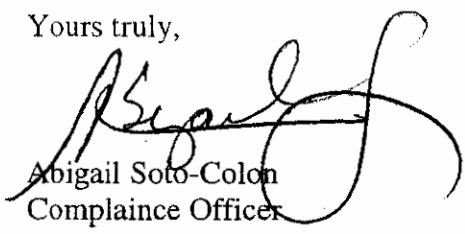
Dear Mr. Cryer:

This office has received your letter requesting to file a complaint of unlawful discrimination. Unfortunately, this Commission lacks jurisdiction over your claim, as we do not have jurisdiction over acts that occur in penitentiary.

Other agencies that may be able to assist you include the American Civil Liberties Union (617) 482-3170, or the US Attorney General's Office (617) 727-2200. If they are unable to help you, they may know or the other organizations that might be able to assist you.

Enclosed please find a copy of your original letter. If we can be of assistance to you in the future, you may reach us at ( 617) 994-6000.

Yours truly,

  
Abigail Soto-Colon  
Compliance Officer



MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION  
ONE ASFBURTON PLACE - ROOM 601  
BOSTON, MA. 02108

MARCH 19, 2004

DEAR SIR/MADAM,

I AM WRITING TO YOU BECAUSE I HAVE BEEN THE TARGET OF HARRASSMENT IN WHICH I BELIEVE IS DUE TO THE COLOR/SHADE OF MY SKIN ALONG WITH THE RELIGION THAT I PRACTICE WHICH IS UNPOPULAR HERE AT MCI SHIRLEY MEDIUM, WHICH IN TURN EFFECTS ALL THE OTHER MEMBERS OF THE NATIVE CIRCLE.

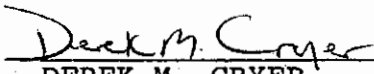
I AM AN AFRICAN AMERICAN / NATIVE AMERICAN PRACTITIONER AND AM WRITING TO REQUEST ASSISTANCE FROM YOUR ORGANIZATION IN ANY WAY YOU MAY BE OF ASSITANCE IN ORDER TO STOP THIS SITUATION THAT MIGHT GET WORSE AS TIME GOES BY.

THE ABOVE ALLEGATIONS (FACTS) ARE THE ACTIONS OF A FEW GUARDS HERE AT THE PRISON, AND IF YOU DO NOT RESPOND SWIFTLY THINGS ARE GOING TO GET A LOT WORSE, AND I MAY BECOME THE VICTIM OF SOME TYPE OF SET-UP WHICH MAY OR MAY NOT LEAD TO ME BEING TRANSFERRED TO A HIGHER SECURITY FOR SOMETHING I DIDN'T DO.

PLEASE HELP ME, EVEN IF YOU CAN ONLY PLACE A CALL TO THE PRISON TO INFORM THEM THAT YOU ARE AWARE OF THE SITUATION AND MAKE A REQUEST FOR THE BEHAVIOR OF THE GUARDS TO BE DISCONTINUED;;THIER NAMES ARE AS FOLLOWS:

- 1). Greg Poladian, Sargeant
- 2). May Robinson, Sargeant
- 3). Tina Ranno, Officer
- 4). William Taylor, Officer
- 5). Tom Lavalley, Recreational Officer

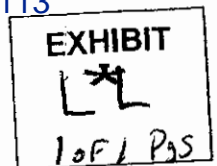
PLEASE RESPOND IN A SWIFT MANNER, AND THANK YOU VERY MUCH FOR YOUR CONSIDERATION AND FOR YOUR TIME.

  
DEREK M. CRYER  
SHIRLEY MEDIUM  
P.O. BOX 1218  
HARVARD ROAD  
SHIRLEY, MA. 01464

CC: PAUL POULIOT & DENISE MEHIGAN, NATIVE  
SPIRITUAL ADVISORS  
NATIVE AMERICAN SPIRITUAL AWARENESS COUNCIL/  
at SHIRLEY MEDIUM  
FILE/

(Page 1)

(20)



## REQUEST TO STAFF

DATE: April 24, 2005TO: Greg McCann, Director of Treatment  
(name and title of staff member)

SUBJECT: State completely but briefly the problem on which you desire assistance, give details.

For Religious Purposes I am Requesting That  
The Native American Spiritual Advisors Paul Pauliot and  
Denise Mahigan be called immediately and be informed  
that I Request their Presence pertaining to 103 CMR 471.10  
"Access of Visiting Clergy" (1), (3), and (4) and also According  
to 103 CMR 471.07 (c).

(use other side of page if more space is needed)

-----  
 ACTION REQUESTED: State exactly how you believe your request may be handled, that is, exactly what you think should be done and how.

Under the Protections of the CMR's as stated above the  
Spiritual Advisors should be called and a visit should  
be scheduled in the Visiting Room where a respectable degree  
of privacy is afforded.

NAME: Derek Malcolm Cayer No: W-55424WORK ASSIGNMENT: N/A HOUSING UNIT: C-2

CC: File/H.W.

NOTE: If you follow instructions in preparing your request, it can be disposed of quickly and intelligently. You will be interviewed, if necessary, in order to satisfactorily handle your request. Your failure to specifically state your problem may result in no action taken.

DISPOSITION: (Do not write in this space.)

NOTE: The above persons are volunteers  
who come to facility 1x per month. They are not  
CLERGY  
4/25/05

DATE

STAFF SIGNATURE



## COMMONWEALTH OF MASSACHUSETTS

## DEPARTMENT OF CORRECTION

## INMATE GRIEVANCE FORM

EXHIBIT

MM

1 of 2 Pgs

(21)

## FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name CRYER DEREK Grievance# 9928 Institution MCI SHIRLEY (MEDIUM)


Commit No. W55424 Housing C-2 Date Of Incident 20050424 Date Of Grievance 20050424

Complaint Due to the Recent DOC Contract with Keefe, I'm being Forced to purchase unauthenticated Native American Sacred Items, An Act which will Violate the Sacred Teachings of the Native Elders which is Religious & Culturally Protected by both State and Federal Laws.

Remedy Requested To be allowed to Receive and or purchase All Native American Religious Sacred items From Authenticated Native Tribes, Native Clans, Native Bands and Native Retail Companies.

Staff Recipient Nano Keith CO II

Staff Involved \_\_\_\_\_

Signature 


## RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20050424 Decision Date 20050425

Signature Nano Keith CO II

Final Decision DENIED

Decision Keefe Corp. is the sole approved provider of religious items. Grievance denied.

Signature  Date 4/25/05

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

## INMATE RECEIPT

Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)

Commit No. W55424 Grievance# 9928 Date Received 20050424

Signature. Nano Keith CO II

## COMMONWEALTH OF MASSACHUSETTS

## DEPARTMENT OF CORRECTION

## INMATE GRIEVANCE APPEAL FORM

## FORWARD TO SUPERINTENDENT

EXHIBIT

NN

1 of 2 Pgs

Grievance  
#9928

Receiv

Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)

Number W55424 Housing C-2 Appeal Date 29-APR-2005 Date Of Grievance 24-APR-2005

Appeal Received Date 29-APR-2005

Appeal It is crucial that this administration recognizes the importance of the buying, receiving and wearing of native regalia which is done usually through special ceremonies. To buy mass-produced Native Sacred items or objects is against my religious beliefs and rights which are protected by state and federal laws.

Remedy Requested To be allowed to receive (donations) and also purchase all Native Regalia, objects, or items etc., from Native tribes, Native Bands, Native Clans or authenticated native "retail" companies or Native vendors, etc.

Staff Recipient Nano Keith CO II

Signature

## DECISION BY SUPERINTENDENT

Appeal Received Date 29-APR-2005 Decision Date Decision

Decision By

Reasons

Signature Date

## INMATE RECEIPT

Inmate's Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)

Number W55424 Appeal Received Date 29-APR-2005

Staff Recipient Nano Keith CO II

Superintendent's Signature *Michael A. Thompson (dm)*

Handwritten Copy  
Grievance Filed To Superintendent  
(2)



ATTACHMENT "A"

DEPARTMENT OF CORRECTION  
INMATE GRIEVANCE FORM  
FORWARD TO THE INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

**SECTION "A"**

NAME: Derek Coyer INSTITUTION: Shirley Madison  
NUMBER: W-31424 HOUSING UNIT: C-2 DATE OF INCIDENT: 4-25-05  
COMPLAINT: In being denied access to the Religious "Clergy" Persons of my faith  
which is a violation of the Con's (Letter Attached). Paul & Denise are  
Clergy according to 103 CMR 471.06 (clergy).  
(ATTACH ADDITIONAL PAGE IF NECESSARY)

## REMEDY

REQUESTED: That Paul Paulist & Denise Michigan or Paul Paulist by Himself be  
called and made aware of my request and a visit, under 103 CMR 471.10 (1), (3),  
and all along with the Protection under 103 CMR 471.07 (C), be scheduled

INMATE SIGNATURE: Derek Coyer DATE: 5-4-05

STAFF RECIPIENT: \_\_\_\_\_ DATE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

**SECTION "B"**

ASSIGNED GRIEVANCE NUMBER: \_\_\_\_\_

DECISION RENDERED: \_\_\_\_\_ APPROVED  
\_\_\_\_\_ DENIED

SUMMARY OF FINDINGS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IGC SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
(DENIED GRIEVANCES MAY BE APPEALED TO THE SUPERINTENDENT WITH 10 DAYS OF IGC'S DECISION.)

**SECTION "C"**

## INMATE GRIEVANCE RECEIPT

CC: File/H.W.



**Mitt Romney**  
Governor  
**Kerry Healey**  
Lieutenant Governor  
**Edward A. Flynn**  
Secretary

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety*

*Department of Correction*

**MCI-Shirley**

**P. O. Box 1218**  
**Shirley, Massachusetts 01464**  
**(978) 425-4341, Fax (978) 514-6601**

[www.mass.gov/doc](http://www.mass.gov/doc)



**Kathleen M. Dennehy**  
Commissioner  
**James R. Bender**  
Deputy Commissioner  
**Michael A. Thompson**  
Superintendent

February 16, 2005

Derek Cryer, W55242  
MCI Shirley  
P.O. Box 1218  
Shirley, MA 01464

Dear Mr. Cryer:

Your grievance dated January 11, 2005 was investigated and the following has been determined. It appeared to you that C.O. Ranno was denying you access to drumming ceremony because the drum beater was incorrectly stored in the footlocker which, per Director McCann's direction, is opened only during the evening.

Therefore, your allegation of harassment is not sustained.

Sincerely,

*Michael Thompson*  
Michael A. Thompson  
Superintendent

MAT/jg

cc: file

*This is a "Backdated" Correspondence  
Received May 5, 2005 at  
4:32 pm. I requested Shift Commander to Co. Jackson  
Spoke to Shift Commander Crowley  
At 8:01 pm was informed to speak  
and bring up issue at Happy Hour.*



① 24

TO: Superintendent, Michael Thompson

FR: Derek Malcolm Croyer / C-2 / W-55424

\* RE: Expired Appeal Responses

DT: May 16, 2005 @ 6:30 pm

Dear Sir,

In Regards to Appeal Grievance # 9727 And my Appeal dated 4-12-05 Regarding A Grievance Form Returned to <sup>me</sup> by I.G.C. Officer Sgt Keith Ranno dated 4-11-05 Both of these Appeals have exceeded the time limit Response And will be Considered denied.

Also, on May 5, 2005 I Received a "backdated" Reply letter From your OFFice dated February 16, 2005 which was a letter Justifying OFFicer Tina Ranno's unexcusable Actions as I grieved on January 11, 2005. The appropriate OFFicers were Advised.

Respectfully yours,

Derek Croyer  
Shirley Medium

CC:

Kathleen Denehy, Commissioner  
File /

Kathleen Dennehy, Commissioner  
50 Maple Street, Suite 3  
Milton, MA. 01757-3698

May 17, 2005

Dear Ms. Dennehy,

Please Find Attached A May 16, 2005 letter From myself to the Superintendent Michael Thompson.

Also I'm writing to inform you once again about the Action or Should I Say Non-Actions of the Management and Staff here at Shirley Medium to Correct Situations of Harassment, Retaliation From Grievances, Racial & Religious Discrimination against myself.

I have written to your Chief Investigator but I have not heard nothing from that office regarding actual investigations. As it stands, The Native Circle has been closed during the mornings and afternoons disabling myself to properly practice my Religion. And the majority of the Native Books have been removed to the general library.

I've made you aware of these problems several months ago and all I'm asking is for justice to be served.

Please Respond Soon.

Derek M. Croyer  
Shirley Medium  
P.O. Box 1218  
Shirley, MA. 01464

CC: File/

Handwritten Copy

10:30 AM letter  
Case worker.EXHIBIT  
S5  
1 of 1 Pgs26  
5-27-05

## REQUEST TO STAFF

DATE: May 25, 2005

TO: Superintendent, Michael Thompson  
(name and title of staff member)

SUBJECT: State completely but briefly the problem on which you desire assistance, give details.

On May 4, 2005 I Filed A Grievance to your office about  
 The denial of Access to the Religious Clergy of my Faith And I  
 have not Received neither a receipt of the grievance nor A  
 Response to the grievance and I have not been interviewed  
 This letter Request is given to the Case worker to ensure it's  
 Proper Arrival to your office's  
 (use other side of page if more space is needed)

ACTION REQUESTED: State exactly how you believe your request may be handled, that is, exactly what you think should be done and how.

① A Receipt be mailed to me ② A Response be made to the Grievance ③ And an Approval be made to allow the Religious Clergy of my Faith to Visit me. (A Copy of my Request and the denial of that request letter is Attached).

NAME: Derek Cryer No: W-55424

WORK ASSIGNMENT: N/A HOUSING UNIT: L-2

CC: FLE/H.W.

NOTE: If you follow instructions in preparing your request, it can be disposed of quickly and intelligently. You will be interviewed, if necessary, in order to satisfactorily handle your request. Your failure to specifically state your problem may result in no action taken.

DISPOSITION: (Do not write in this space.)

DATE

STAFF SIGNATURE



**Mitt Romney**  
Governor  
**Kerry Healey**  
Lieutenant Governor  
**Edward A. Flynn**  
Secretary

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety*

*Department of Correction*

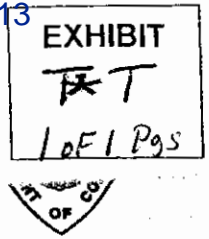
**MCI-Shirley**

**P. O. Box 1218**

**Shirley, Massachusetts 01464**

**(978) 425-4341, Fax (978) 514-6601**

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**Kathleen M. Dennehy**  
Commissioner  
**James R. Bender**  
Deputy Commissioner  
**Michael A. Thompson**  
Superintendent

May 26, 2005

*Received  
MAY 27, 2005  
At 3:41 PM*

Derek Cryer, W55424  
MCI Shirley  
P.O. Box 1218  
Shirley, MA 01464

Dear Mr. Cryer:

I have received your letter dated May 16, 2005 regarding appeal grievance #9727.

My response to grievance appeal #9727 is forthcoming. I have not exceeded the time limit for response.

Sincerely,

Michael A. Thompson  
Superintendent

MAT/jg

cc: file



Gregory McCann - Native American Issue

EXHIBIT

U\*U

1 of 1 Pgs

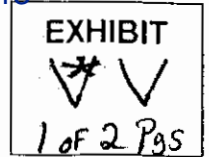
From: Gregory McCann  
To: shicaptains  
Date: 3/10/04 3:37PM  
Subject: Native American Issue

Due to different staff being assigned to the Programs Building recently, there has been an issue with the Native American Inmate Group. Please be advised that during approved times, and the schedule is posted in the Programs building, Native American Inmates should be granted access to the Native American Room as well as the locker therein. The schedule clearly indicates times during which the inmates can participate in the Pipe Ceremony (not at all during business hours). It is important that staff are cognizant that this is a Religious Access issue. Thank you for your cooperation

5-15

Kathleen Dennehy  
Massachusetts Department of Corrections  
Commissioner's Office  
50 Maple Street, Suite 3  
Milford, MA. 01757-3698

29



April 6, 2004

Dear Kathleen Dennehy,

My name is Derek Cryer. I am presently confined at Shirley Medium where I serve my duties as Secretary on the Native American Spiritual Awareness Council (NASAC):

Beginning in the first week of February 2004, and up through this very correspondence, myself and the other Members of N.A.S.A.C. have been continuously Harrassed and Discriminated against by Correction Officials here at Shirley Medium who Regularly acts Above and Beyond their Professional Title's Duties.

"Everyone" has been informed, and still the Harrassment and Discrimination continues. "Everyone" meaning and beginning with a Carbon Copy sent to your office, The Day and Night Shift Sargeants, The inner Perimeter Security (IPS), the Director of Treatment, The Grievance Officer, The Acting Superintendent, Both the Catholic and Protestant Chaplains, and even Mental Health.

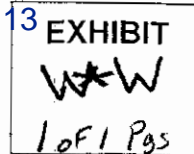
The Native American Spiritual Awareness Council here at Shirley Medium is on the verge of doing Wonderful things, but at every turn there Miscellaneous Road-blocks placed in our way.

My request of you is a shot in the dark, but if there's any possibility, it would be a Great Pleasure and Honor if you would set aside just One (1) day to come and Bless Us with a Visit to see and hear for yourself of the problems that exist to Native American Spiritual Practitioners here at Shirley Medium, and to more importantly Hear and Listen to our Ideas that Teaches Self-Empowerment and leads us to a better way of Life, and or at the very least, gives us another Alternative to the Life that most us will return to once released. One (1) day is all We ask. Aho!

Sincerely yours,

*Derek M. Cryer*  
Derek M. Cryer  
Shirley Medium  
P.O. Box 1218  
Harvard Road  
Shirley, MA. 01464

CC: file/



TO: Glen Corbet, LT. I.P.S.  
FR: Derek M. Cryer / C-2 / W-55424  
RE: Native American Investigation  
DT: April 23, 2004

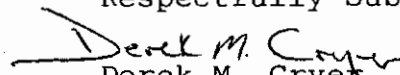
Dear Lt. Corbet,

This will be my last correspondence to you regarding this matter as I wish not to be bothersome.

I am requesting a Copy of the Full Report (from either yourself or the Head Investigator responsible for this Investigation) on the Investigation regarding t Native American Issue that began on February 23, 2004.

Once again, I do not wish to be bothersome and would like to thank you for you time and am respectfully requesting a written response in a timely fashion.

Respectfully Submitted,

  
Derek M. Cryer

CC: Legal Advisors  
N.A.S.A.C./Shirley Medium  
file/

Case 1:05-cv-11289-RCL Document 4 Filed 06/21/2005 Page 105 of 113  
Allison Hallett  
Director of Program Services  
C/O Correctional Services  
ATTN: Religious Services Review Committee  
P.O. Box 709  
Norfolk, MA. 02056

EX. XX

31

EXHIBIT  
XX  
1 of 5 Pgs

MAY 17, 2004

Dear Allison,

Pleas find enclosed four (4) completed Inmate

Religious Services Request Forms requesting the following Necessities regarding

Native American Spirituality/Religion:

- 1). Purification Lodge / Sweat Lodge
- 2). Personal Prayer Pipes
- 3). Ceremonial Tobacco
- 4). Outside Worship area

In closing, we have been denied access to said request for years, request which have already been approved by your Committee and or Ordered by both State and Federal Courts. Please reply swiftly.

Derek Cryer

Derek Cryer  
Shirley Medium  
P.O. Box 1218  
Harvard Road  
Shirley, MA. 01464

CC: Carol Mici, Acting Superintendent  
Spiritual Advisors  
Native American spiritual Awareness Council  
file/

### Inmate Religious Services Request Form

1. What is the official name of the faith group? Native American Spiritual Awareness Council
2. Who is the head of the faith group? Paul Pouliot/Denise Mehigan (Volunteers)
3. What is the address and telephone number of the faith group in Massachusetts or the U.S.? COWASS North America, Inc./P.O. Box 554/Franklin, MA. 02038  
( 508 ) 528 - 7629
4. Does the faith group have ministers or teachers? Yes x No
5. Are the ministers available to visit incarcerated members of the faith group? Yes x No
6. Are there religious holy days to be observed? Yes x No
7. If so, what religious practices are necessary for the observance? Please refer to "Practical Guidelines for Administration of Inmate Religious Beliefs & Practices" "Technical Reference Handbook# T3560.01 PG.2 Sec.1D Religious Holy Days".
8. Are there time and space requirements for the faith? If so, please explain? Yes. Require 1 1/2 hours to Pray in the Morning, Afternoon, and Evening. Require double the space of our membership along with newcomers to perform Spiritual Ceremonies.
9. Is the religion open to all inmates? Yes x No
10. Please provide reference material, which would be useful for researching this group?
11. What is your specific request? We are requesting PERSONAL PRAYER PIPES for Sanitary and Health Safety; Also known as Peace Pipes. (Please see the Technical Reference Handbook# T3560.01 (Mentioned above in #7) PG.6 Section A under "Personal Religious Items", Number 2.).

Name: Derek M. Cryer Commitment Number: W-55424

Attachment: G

Page 1 of 2



Et. XH

**Inmate Religious Services Request Form**

1. What is the official name of the faith group? Native American Spiritual Awareness Council
2. Who is the head of the faith group? Paul Pouliot/Denise Mehigan (Volunteers)
3. What is the address and telephone number of the faith group in Massachusetts or the U.S.? COWASS North America, Inc./P.O. Box 554/Franklin, MA. 02038

( 508 ) 528 - 7629

4. Does the faith group have ministers or teachers? Yes x No

5. Are the ministers available to visit incarcerated members of the faith group?  
Yes x No

6. Are there religious holy days to be observed? Yes x No

7. If so, what religious practices are necessary for the observance? Please refer to "Practical Guidelines for Administration of Inmate Religious Beliefs & Practices" "Technical Reference Handbook# T3560.01 PG.2 Sec.1D Religious Holy Days".

8. Are there time and space requirements for the faith? If so, please explain? Yes. Require 1 1/2 hours to Pray in the Morning, Afternoon, and Evening. Require double the space of our membership along with newcomers to perform Spiritual Ceremonies.

9. Is the religion open to all inmates? Yes x No

10. Please provide reference material, which would be useful for researching this group?

11. What is your specific request? We are requesting an OUTSIDE WORSHIP AREA.  
(Please see the Technicle Reference Handbook# T3560.01 (mentioned above in #7) PG. 7 Section B under "Congregate Religious Items", Number 1); Also see PS 5360.08 Religious Beliefs and Practices handbook 2001 on PG 7 Section 12 (c).

Name: Derek M. Cryer Commitment Number: W-55424

Attachment: G

Page 1 of 2



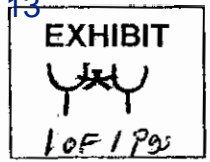
Mitt Romney  
Governor

Kerry Healey  
Lieutenant Governor

Edward A. Flynn  
Secretary

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety*  
*Department of Correction*  
*Program Services Division*

*c/o Correctional Industries, P.O. Box 709*  
*Norfolk, Massachusetts 02056*  
*(508) 850-7780 Fax: (508) 850-5214*  
*www.mass.gov/doc*



Kathleen M. Dennehy  
Commissioner  
James R. Bender  
Acting Deputy Commissioner

August 5, 2004

Derek Cryer, W-55424  
MCI Shirley  
P.O. Box 1218  
Shirley, MA 01464

Dear Mr. Cryer:

This is in response to your letter dated May 17, 2004 regarding your religious requests. Please be advised that you must submit the Inmate Religious Services Request Form to Director of Treatment Gregory McCann for processing at the institutional level. Director of Treatment McCann will then forward your requests to the Religious Services Review Committee. I have enclosed your original Inmate Religious Services Request Forms so that you may process as directed above.

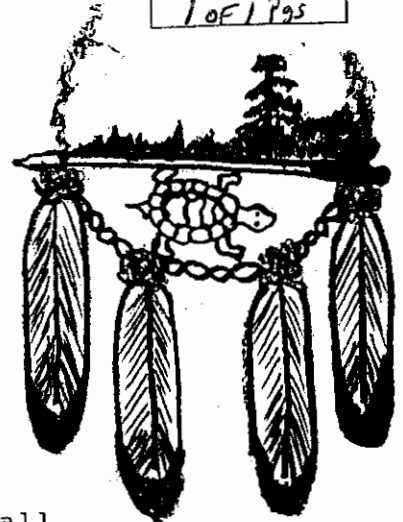
I trust this response addresses your concerns.

Sincerely,

*Allison Hallett*  
Allison Hallett  
Director of Program Services

cc: Michael Thompson, Superintendent, MCI Shirley  
Gregory McCann, Director of Treatment, MCI Shirley  
File

TO: Mr. Greg McCann, Director of Treatment  
FR: N.A.S.A.C. Sub-Chief- Shane LaBelle W68102  
RE: Sacred Items  
DATE: July, 27, 2004



Dear Mr. McCann,

Due to the missing items from the  
Native American Prayer Room WE (I, Shane LaBelle) put all  
sacred items back in the locked locker, I.E. ~~\_\_\_\_\_~~,  
~~\_\_\_\_\_~~, Rattle, Abalone Shell, All Herbs,

( Sweet Grass, Kinnick kinnick, Sage, Cedar, ETC.).

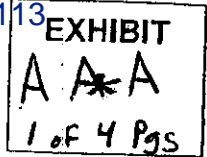
I hope this is acceptable.

Thank You in advance.

Sincerely,

SHANE LABELLE  
W68102  
N.A.S.A.C.

DR  
7/28/04



Grievance Appeal  
# 10784

Ex. AAA

ATTACHMENT

DEPARTMENT OF CORRECTION  
INSTITUTION APPEAL FORM

FORWARD TO THE INSTITUTIONAL SUPERINTENDENT

SECTION A

NAME: Derek Malcolm Cryer INSTITUTION: Shirley Medium

NUMBER: W-55424 HOUSING UNIT: C-2 DATE OF INCIDENT: 4-25-05

APPEAL: Due to STAFF Misconduct For over a year I've become Spiritually  
Emotionally, Mentally, psychologically and physically distraught and seek  
Religious Guidance from Clergy of my Faith. My Appeal is also my Complaint  
Word For Word (See Grievance # 10784) with the addition of 103 CMR 471.10 (2) and  
(ATTACH ADDITIONAL PAGE IF NECESSARY) 103 CMR 471.09 (2), 103 CMR 471.07 (1c), and  
103 CMR 471.10 (1) (3) and (4), 103 CMR 471.07 -

REMEDY

REQUESTED: A visit be scheduled with the Clergy Persons or Person  
Mentioned in Grievance # 10784 And to inform me of the scheduled  
date prior to the visit. I'm also requesting an immediate response.

INMATE SIGNATURE: Derek Malcolm Cryer DATE: 6-3-05

STAFF RECIPIENT: \_\_\_\_\_ DATE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

SECTION B

ASSIGNED GRIEVANCE NUMBER: \_\_\_\_\_

ASSIGNED INSTITUTION APPEAL NUMBER: \_\_\_\_\_

DECISION RENDERED: ☐ APPROVED  
☐ DENIED

SUMMARY OF FINDINGS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SUPERINTENDENT'S

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

SECTION C

INMATE APPEAL RECEIPT

INMATE NAME: \_\_\_\_\_ INSTITUTION: \_\_\_\_\_

NUMBER: \_\_\_\_\_ DATE RECEIVED: \_\_\_\_\_

RECEIPTING STAFF: \_\_\_\_\_ TITLE: \_\_\_\_\_

CC: File

DEPARTMENT OF CORRECTION  
INMATE GRIEVANCE FORM  
FORWARD TO THE INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

## SECTION "A"

NAME: Derek Croyer INSTITUTION: Shirley Medium  
NUMBER: W-55424 HOUSING UNIT: C-2 DATE OF INCIDENT: 4-25-05  
COMPLAINT: I'm being denied access to the Religious Clergy Persons of my Faith  
Which is in violation of the Cmr's. (letter Attached). Paul & Denise are  
Clergy According to 103 cmr 471.06 (Clergy).  
(ATTACH ADDITIONAL PAGE IF NECESSARY)

## REMEDY

REQUESTED: That Paul Pauliot & Denise Mehigan or Paul Pauliot by Himself be  
Called and made aware of my request And a Visit, under 103 cmr 471.10 (1), (3),  
And (4) along with the Protection under 103 cmr 471.07 (C), be scheduled

INMATE SIGNATURE: Derek Croyer DATE: 5-4-05

STAFF RECIPIENT: \_\_\_\_\_ DATE: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

## SECTION "B"

ASSIGNED GRIEVANCE NUMBER: \_\_\_\_\_

DECISION RENDERED: \_\_\_\_\_ APPROVED  
\_\_\_\_\_ DENIED

SUMMARY OF FINDINGS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IGC SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
(DENIED GRIEVANCES MAY BE APPEALED TO THE SUPERINTENDENT WITH 10 DAYS OF IGC'S DECISION)

## SECTION "C"

## INMATE GRIEVANCE RECEIPT

INMATE NAME: \_\_\_\_\_ INSTITUTION: \_\_\_\_\_

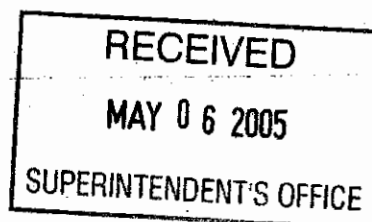
NUMBER: \_\_\_\_\_ DATE RECEIVED: \_\_\_\_\_

SIGNATURE (IGC): \_\_\_\_\_ TITLE: \_\_\_\_\_

01/05/01

491 - 13

CC: File/HW





## COMMONWEALTH OF MASSACHUSETTS

EXHIBIT

B B B

1 of 1 pgs

DEPARTMENT OF CORRECTION  
INMATE GRIEVANCE APPEAL FORM  
FORWARD TO SUPERINTENDENT

1 of 1 pgs  
Ex. B B B

Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)  
Number W55424 Housing C-2 Appeal Date 05-APR-2005 Date Of Grievance 25-MAR-2005  
Appeal Received Date 05-APR-2005

Appeal The Native American Room has been closed unjustly during the mornings and afternoons eventhough the Programs building is open, and the majority (to date) of the Native books have been removed to the Library.

Remedy Requested Mornings and afternoons reinstated, and the Native books returned.

Staff Recipient Nano Keith CO II

Signature

## DECISION BY SUPERINTENDENT

Appeal Received Date 05-APR-2005 Decision Date 29-APR-2005 Decision DENIED

Decision By Thompson Michael SUPERINTENDENT

Reasons The rationale for the change in the schedule and the relocation of the books has been explained to you by the director of Treatment and by the Grievance Coordinator in his response to your grievance. I do not agree that these actions were taken unjustly as stated in your appeal.

Signature

5/31/05 - In accordane with 103 CMR 491, I have reviewed grievance/grievance appeal #9345.

Please be advised that I support the Superintendent's decision to deny your grievance, as the facts presented indicate that the books were moved due to security concerns in the Program Area. The books are now accessible through the library, which is a reasonable and appropriate alternative.

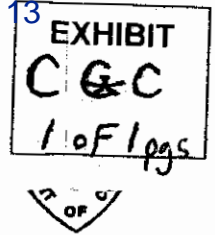
*Kristie Ladouceur*  
Kristie Ladouceur  
Department Grievance Coordinator

Date

## INMATE RECEIPT

Inmate's Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)  
Number W55424 Appeal Received Date 05-APR-2005  
Staff Recipient Nano Keith CO II  
Superintendent's Signature

Ex. CCC



*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety*  
*Department of Correction*  
**MCI-Shirley**

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**Kerry Healey**  
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**P. O. Box 1218**  
**Shirley, Massachusetts 01464**  
**(978) 425-4341, Fax (978) 514-6601**  
[www.mass.gov/doc](http://www.mass.gov/doc)

**Kathleen M. Dennehy**  
*Commissioner*  
**James R. Bender**  
*Deputy Commissioner*  
**Michael A. Thompson**  
*Superintendent*

June 2, 2005

Derek Cryer, W55424  
MCI Shirley  
P.O. Box 1218  
Shirley, MA 01464

Dear Mr. Cryer:

Your letter dated May 17, 2005 to Commissioner Kathleen Dennehy regarding your grievance has been referred to me for reply. Commissioner Dennehy has also forwarded a copy of your May 16<sup>th</sup> letter to me concerning grievance #9727 and your appeal.

I have previously responded to your letter of May 16th. You have raised the issue of the schedule of availability of the Native Circle room in a grievance and a grievance appeal, both of which have been answered. The room is available during the evening activity periods. It is my opinion that this schedule of availability is adequate.

Sincerely,

Michael A. Thompson  
Superintendent

MAT/dlm

CC: **Kathleen M. Dennehy**, Commissioner  
Inmate File  
File

"Accredited by the Commission on Accreditation for Corrections"